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WORKPLACE FLEXIBILITIES PILOT EVALUATION

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Executive Summary

The U.S. Department of Labor (DOL) has, for several years, offered employees a number of workplace flexibilities, including telework options and compressed scheduling options. In support of the June 23, 2014 Presidential Memorandum on “Enhancing Workplace Flexibilities and Work-Life Program,”¹ Secretary of Labor Thomas E. Perez convened a labor-management workgroup to explore workplace flexibilities at the Department and to consider ways to further expand DOL’s flexibilities. The existing policies were reviewed and additional flexibilities were developed through collaboration between management and its three Labor counterparts, the National Council of Field Labor Locals (NCFL), the American Federation of Government Employees, Local 12 (Local 12), and the National Union of Labor Investigators (NULI). Through agreements with the unions, a workplace flexibilities program was initiated on a pilot basis, beginning on April 5th, 2015.

PILOT FLEXIBILITIES

The Secretary approved the plan developed by the labor management workgroup to pilot three specific options intended to increase work schedule flexibilities:

- A formal alternative work schedule (AWS) that allows new options for compressing hours during a pay period, with the ability to earn “credit” hours
- Reducing “core hours” on Tuesdays, Wednesdays and Thursdays, and eliminating core hours on Mondays and Fridays
- Expanding the official daily “work band” hours per day

Overview of Work Schedule Changes in the DOL Workplace Flexibilities Pilot

Schedule Category	Pre-existing Policy	Flexibilities Pilot Policy
Core Hours	9:30 a.m. – 3:00 p.m. Monday-Friday	10:00 a.m. - 2:30 p.m. Tuesday-Thursday
Work Band	6:00 a.m. – 7:00 p.m.	6:00 a.m. – 8:00 p.m.
Compressed Pay Period	Compressed Schedule (no credit hours can be earned); nor formal Alternative Work Schedule (AWS)	Formal Alternative Work Schedule (AWS) (credit hours can be earned)

¹ <https://www.whitehouse.gov/the-press-office/2014/06/23/presidential-memorandum-enhancing-workplace-flexibilities-and-work-life->

PILOT EVALUATION

The Department's Chief Evaluation Officer evaluated the pilot using a formative utilization-focused study design. This report presents the results of the evaluation. The purpose of the study is to describe and assess the Workplace Flexibilities Pilot and make recommendations about whether the flexibilities should be continued and whether there should be modifications. This report is intended to provide the Secretary, the labor management representatives of DOL's three unions, and senior administrators of the department, details about the implementation of the flexibilities, feedback from non-supervisory and supervisory employees, and recommendations for the future.

The evaluation consists of qualitative and quantitative analysis, with data from four sources:

- Time and attendance records for the Department's record keeping system (WebTA)
- Employee applications requesting approval for the AWS option
- Surveys of employees (supervisory and non-supervisory), with responses from 5,003 individuals (about 31 percent of all DOL employees)
- Insights from focus groups and discussions with groups of non-supervisory employees and managers and supervisory employees

The evaluation is descriptive, documenting the scope and implementation of the options, and analyzing the various perspectives about the usefulness and effect of the options during the pilot. One important qualification is that the study cannot conclusively measure the effects of the pilot options on some key outcomes of interest, such as the effect on agency performance. The main reason for this limitation is because the pilot period was only six months, which is not enough time to determine with statistical precision the impact of the options on performance. However, time and attendance data, AWS requests, surveys, and focus groups provide adequate descriptive information on the use of and opinions about the flexibilities piloted.

KEY FINDINGS

In general, the workplace flexibilities have been well-received throughout the Department by a majority employees, with similar patterns for both managers/supervisors and non-supervisory employees. Nonetheless, a few concerns were raised, and those were discussed where appropriate. The main findings, primarily based on the survey and personnel data, can be summarized as follows:

Take-up

- The take-up rate for compressed pay periods—or the percentage of employees using that flexibility--increased by about 25 percent, from 6.5 percent before the pilot to 8.8 percent during the pilot.
- About 20 percent of employees completing the survey report that they applied for AWS, and 94 percent report that their applications were approved.

- Many more employees report using the core hours and work band flexibility than AWS. Sixty-one percent of all employees responding to the survey report using the expanded work band, 59 percent report using the flexible hours on Tuesdays, Wednesdays and Thursdays, and 73 percent report using the Monday and Friday flexible hours.

Implementation

- The workplace flexibility options in the pilot were used in every agency at DOL.
- The Human Resources Center (HRC) held extensive orientation sessions about the pilot options, developed special web sites that solicited employee questions and feedback, and written guidelines and “frequently asked question,” which were updated regularly. Of those responding to the survey, 89 percent of all employees report that they did participate in one or more training sessions and 73 percent “agreed” or “strongly agreed” that the training was adequate.
- No formal grievances were filed related to the pilot options. The unions used informal mediation to resolve the very few issues that arose regarding flexibilities during the pilot. This informal process was the result of a commitment unions made during the design of the options to use mediation when possible to avoid formal grievances. The very few concerns brought to the attention of the unions were resolved informally.
- The start-up of the pilot was rapid, but some feel there was not enough preparation time. Of those responding to the survey, 37 percent of non-supervisors and 47 percent of managers indicate the managers and supervisors did not have enough preparation time to implement the flexibilities, suggesting some did not feel there was enough advance notice and information about the options and procedures.
- Most managers and supervisors have been supportive of the flexibilities. About 77 percent of non-supervisory employees who responded to the survey indicate that “managers and administrators in my agency are supportive.” However, the support may be somewhat lower in some regional offices than in the Department as a whole (57 percent of non-supervisors report that “regional administrators are supportive”).

Operational Implications

- There is little evidence from the survey that the options piloted have had any effect on agency performance overall. The short pilot period and the fact that many other factors were likely changing at the same time as the pilot mean it is not possible to estimate the impact of the pilot options per se on performance. The patterns of agency performance using the measures tracked quarterly show no obvious change during the pilot.
 - The vast majority of all employees responding to the Six-Month Survey report that there has been no negative effect on productivity: 88 percent report no effect on the work unit’s ability to complete work effectively, 90 percent report no decrease in productivity, and 84 percent report no decrease in team dynamics, coherence, or communication.
 - The patterns are similar for managers and non-supervisory employees, but managers report being somewhat more concerned about the effect on productivity than non-supervisory employees. About 92 percent of non-supervisors who submitted surveys

report the flexibilities have no effect on productivity in their work unit, compared to 75 percent of managers; 90 percent of non-supervisors feel there has been no effect on the work unit's ability to complete work effectively compared to 74 percent of managers; and 87 percent of non-supervisors feel there has been no decrease in team dynamics or cohesion compared to 63 percent of managers.

Opinions about the Importance of Flexibilities

- Workplace flexibilities at DOL are viewed very positively:
 - Workplace flexibilities are considered important for employee satisfaction and engagement, again especially by non-managers. Of those who responded to the survey, 90 percent of non-supervisory employees and 71 percent of managers and supervisors agreed or strongly agreed with the statement that “increased core hours and flexible work schedules is an important factor in employee satisfaction and engagement.”
 - Offering employees flexibilities in their schedules is generally considered worthwhile, with 92 percent of non-supervisors and 75 percent of managers and supervisors agreeing or strongly agreeing with this statement.
- There is little indication that the flexibilities have been negatively related to organizational culture—93 percent of all non-supervisory employees and 79 percent of managers/supervisors who responded to the survey agreed or strongly agreed that the flexibilities have not had a negative impact on DOL's current organizational culture.

Challenges and Solutions

- Most managers/supervisors and non-supervisory employees indicate there were few problems during the pilot. Some concerns were raised, though, including several that appear to be conflated with other issues not directly related to the pilot, such as telework, inadequate information technology tools, difficulty maintaining communication, and insufficient staffing levels:
 - Many employees feel the AWS is not as flexible as they would like. About 43 percent of individuals who completed the survey indicated that they did not request AWS report that the reason was that they did not want to be tied down to a fixed day off. Another 17 percent said they were not interested in working nine or more hours a day to have a day off.
 - In focus group discussions², some non-supervisory staff discussed specific problems such as feeling their supervisor was not always consistent in terms of who was approved for flexible schedules, and stating that individuals could not telework and also participate in AWS. Some also said that some managers just do not like the flexibilities, including telework, and discourage their use, or even implied there could be repercussions to employees who participate in the flexibilities plan.

² One cannot draw conclusions from focus groups since participants were not representative of all employees, and it is important to bear in mind that most supervisors/managers, and non-supervisory employees, had positive opinions about the flexibilities.

- While about 69 percent of managers and supervisors report that there has been no effect on personal workload during the pilot, a number of them expressed concerns in focus groups and in the survey 31 percent of managers report that their own workload and their unit's workload increased during the pilot. In the same way, only 13 percent of non-supervisors indicate that the pilot has had a negative effect on unit cohesion, team dynamics, or communication, compared to 37 percent of managers reporting that their units has been affected in these ways.
- In discussion groups, several supervisors spoke about difficulties they have with communication about work schedules for particular staff or keeping track of which staff would be out on certain days or working different schedules.
- In discussion groups, several managers and supervisors shared solutions and promising strategies used in their offices that help avoid or eliminate some of the challenges noted above including:
 - Communication— more regular use of Skype for Business, SharePoint, web and video conferencing;
 - Scheduling tools— daily email chains or “chats,” Outlook calendars, regular “what’s your week like” emails or “chats”;
 - Clear expectations about “mission first,” meetings, performance, communication.

RECOMMENDATIONS

The main findings from the evaluation of the workplace flexibilities pilot in 2015 are positive. The options represent some important expansions in workplace flexibility options for DOL employees. In general, the pilot went well, with employees (supervisory and non-supervisory) overwhelmingly supporting flexibilities to allow more work-life balance. The expanded work hours band is especially popular among both managers and staff. No formal collective bargaining grievances were filed, and the few disputes employees brought to the attention of unions resolved quickly and were informally by union mediation. Some supervisory concerns around communication and scheduling difficulties continued throughout the six-month period, although a majority of managers/supervisors responding to the survey reported no problems.

Four recommendations are offered:

- **DOL should continue all three flexibilities**, and the Secretary and the labor-management group might wish to consider the feasibility of modifications to smooth out the possible effects on Monday and Friday. Altering the AWS to allow the “off” day to be any day of the week (on a set schedule per the employee’s AWS agreement) would help some.
- **The Department and the unions should consider the viability of continuing an informal mediation process.** The unions have played a critical role in the pilot, from actively participating in the design of the options and the pilot, to facilitating orientation sessions, and engaging in informal mediation when problems arose. The informal mediation process should continue, although it should in no way interfere with the rights of employees to file formal grievances as needed.

- **DOL’s Human Resources Center should arrange for periodic refresher training for both supervisory and non-supervisory employees.** While the majority of supervisors reportedly have established reasonable arrangements for necessary team activities such as meeting, communicating and maintaining information, this is an area on which supervisors would benefit from more training and peer-to-peer exchanges of best practices. Non-supervisory staff would also benefit from refresher training about their responsibilities, the importance of communication, and how to balance employee flexibility with “mission first.” or hearing lessons from other offices that requires attention. Some of these concerns and lack of clarity may be related to the fact that the pilot was scheduled for just six months. Making the flexibilities permanent will allow the formal policies, training, and exchanges to be institutionalized in the Department.
- **The Department should continue to modernize information technology** capabilities that could greatly improve workplace scheduling and communication activities. The most important areas on which to focus include upgrading communication tools to allow for better team communication (e.g., teleconferences, Skype), improving the reliability of computer and network access for remote use, and providing supervisors and staff with more flexible scheduling tools and software.

The workplace flexibilities pilot represents an important expansion of scheduling and work hour options for employees. The findings and recommendations from the evaluation suggest that making the options permanent will help to achieve the objective of providing maximum employee flexibility and work-life balance, while continuing to carry out agency work.

1. Introduction and Background

A June 23, 2014 Presidential Memorandum on “Enhancing Workplace Flexibilities and Work-Life Program” called on Federal agencies to “...continue to make progress in enabling employees to balance their responsibilities at work and at home” (see Appendix A). In support of the Presidential Memorandum, Secretary of Labor Thomas E. Perez convened a labor-management workgroup to explore workplace flexibilities at the U.S. Department of Labor (DOL) and consider ways to expand flexibilities. As a result of the consultations, the Secretary approved a plan to pilot three specific options intended to increase work schedule flexibilities: a formal alternative work schedule (AWS) that allows compressing hours during a pay period, eliminating “core hours” on Mondays and Fridays, and expanding the official “work band” hours by one hour. The pilot flexibilities were developed through collaboration between management and its three Labor counterparts, the National Council of Field Labor Locals (NCFL), the American Federation of Government Employees, Local 12 (Local 12), and the National Union of Labor Investigators (NULI). The pilot began on April 5th, 2015.

A memorandum of understanding (MOU) between the three unions and DOL (see Appendix B) specified the purpose of the pilot flexibilities was to enhance the agency’s mission to foster, and promote work-family balance, while continuing to achieve the programmatic objectives of DOL and each of the agencies within the Department.

The MOU also indicated that there should be an objective evaluation of the pilot, led by the Department’s Chief Evaluation Officer with participation by labor and management stakeholders, to assess how the flexibility options were implemented and whether they should be continued or not after the pilot period, or whether they should be modified in some way. This report presents the results of that assessment. This chapter presents a very brief review of what is known about the potential benefits of workplace flexibilities in general and in the Federal government, and provides a summary of the DOL pilot flexibilities, and an overview of the evaluation design and approach taken in this study. Subsequent chapters present the results of the extent to which the flexible options have been used, implementation issues, and employees’

perspectives about workplace flexibilities. Conclusions and recommendations are in the final chapter.

Workplace Flexibilities Rationale and Motivation

Workplace flexibilities are intended to help employees balance their responsibilities at work and at home. Since the early 1990's, the Federal government has increased its emphasis on family friendly policies in Federal agencies, and the 2014 Presidential Memorandum reinforces and expands that emphasis. The trend towards more flexible workplaces is based on research in the public and private sectors.

For example, organizational and management research has found that allowing work hour flexibility results in employees that are more motivated, engaged, and more productive. Policies that allow flexible work hours are associated with positive results in performance when employees are allowed to set their own goals and monitor their own behavior about time while discussing results with supervisors (Kossek and Michel 2016).

One strategy that applies this performance-based flexibility concept through workplace flexibility, and that has been adopted by many organizations, is the Results-Only Work Environment (ROWE). Advocates of ROWE claim that changing the culture of an organization toward performance results and measures is beneficial for both employees and employers. There is a relationship between employees' ability to control their own schedule and decreases in both work-family conflict and work-family spillover, which together helps foster a more productive work culture (Hill, et al. 2013).

In the Federal government, workplace flexibility policies have included various options, with the intent to balance work-family and productivity goals. In one study of federal employees' participation in available work-life balance programs, flexible and compressed scheduling was reportedly used more often than any other employee benefit or option, such as childcare assistance, ability to work at home, or elder care assistance (Saltzstein, et al. 2011). That study also found that compressed and flexible work scheduling options are significantly more likely to be used by younger employees, particularly single men or male and female non-parents in dual

income households. Working from home or some other location than the office, is significantly more popular with older single women and older married men than with other groups of workers.

Even before the pilot, DOL had many different work-life programs available to its employees such as FLMA leave; accommodations for nursing mothers; leave transfer programs; sick leave for adoption; bone and organ donor leave; sick leave for family care, bereavement and health conditions or family care situations; telework arrangements; compressed work schedules; and part-time employment. The options implemented as part of the 2015 pilot were developed to add to DOL's pre-existing flexibilities.

DOL's Pilot Elements

The DOL pilot was intended to expand the workplace flexibilities available to employees. The formal MOU executed between the three unions and the Department describes the components of the pilot:

- 1) The pilot was implemented beginning April 5, 2015 for a period of six (6) months or until a decision has been made by the Chief Evaluation Officer (CEO).
- 2) Employees requesting to participate in an Alternative Work Schedule (AWS) completed mandatory training.
- 3) During the pilot, management and labor agreed to make a best effort to informally resolve disputes regarding the pilot and work schedule change.

The provisions of the workplace flexibilities pilot are as follows and shown in Exhibit 1:

- Expanded the flexible scheduling band to 6:00 a.m. to 8:00 p.m., from the pre-existing band of 6:00 a.m. to 7:00 p.m.
- Narrowed the core hours to 10:00 a.m. to 2:30 p.m. Tuesday through Thursday and eliminated core hours on Mondays and Fridays, from the pre-existing core hours of 9:30 a.m. to 3:00 p.m. Monday through Friday.
- Established a formal alternative work schedule (AWS) to give employees the opportunity for a weekly or bi-weekly, fixed day off. The AWS option allowed employees to vary their start and end times each day within their work band, cover core hours only between Tuesdays and Thursdays, earn credit time up to 24 hours and compress their schedules to work less than 10 days per pay period by electing to work a 5/4/9 or 4/10 work schedule.

Exhibit 1. Overview of Work Schedule Changes in the DOL Workplace Flexibilities Pilot

Schedule Category	Pre-existing Policy	Flexibilities Pilot Policy
Core Hours	9:30 a.m. – 3:00 p.m. Monday-Friday	10:00 a.m. - 2:30 p.m. Tuesday-Thursday
Work Band	6:00 a.m. – 7:00 p.m.	6:00 a.m. – 8:00 p.m.
Compressed Pay Period	Compressed Schedule (no credit hours earned); no formal Alternative Work Schedule (AWS)	Formal Alternative Work Schedule (AWS) (credit hours earned)

The Human Resources Center (HRC) in the Office of the Assistant Secretary for Administration and Management (OASAM) led webinar and in person training sessions along with providing a guide to all managers and employees. There were 15 webinar sessions offered to the field offices in March, 2015 and five in-person sessions at the national office for employees and three for managers in the national office. These training sessions were mandatory for employees requesting an AWS. Union representatives also led segments of the in-person orientation sessions covering similar topics. The training provided by HR covered the changes in scheduling options, changes to the time recording system (WebTA), and procedures that would not change due to the pilot such as:

- Managers are responsible for assigning and managing work
- Managers are able to schedule meetings, even during non –core hour times
- Employees are responsible for communicating with their managers about their schedules, need for leave, and late arrivals
- Employees are responsible for accomplishing assigned work by assigned deadlines

2. Evaluation Approach and Design

The Chief Evaluation Officer, with assistance from analysts from DOL agencies and one representative from each of the three unions, conducted this assessment of the Workplace Flexibilities Pilot. The purpose of the assessment is to document and assess the implementation of the 2015 pilot project.

The three general objectives of the evaluation were as follows:

- **Document the design and implementation** of the flexibilities included in the pilot, including how the pilot options changed pre-existing flexibility options, the guidance and training provided during the pilot, and various opinions and perceptions of managers and staff about the options.
- **Analyze trends in the adoption and use of flexibilities** introduced in the pilot, including patterns available before and during the pilot period.
- **Assess the implications for future workplace flexibility policies** at the Department, particularly whether to continue the policies piloted.

The design used for this study was a Formative Utilization-focused Evaluation, which requires 1) engaging stakeholders and participants on the design and objectives; and 2) providing periodic feedback to stakeholders and decision makers on implementation and activity trends, which could suggest mid-course corrections to the pilot.

The research questions for this evaluation were:

- How were the flexibilities and the pilot implemented?
- Are employees using the pilot flexibilities?
- What are the employee opinions about satisfaction with work-life balance?
- Are the options associated with any changes in office or agency work or performance?

The following sources of data were used in the evaluation:

- Time record statistics for a period before and during the pilot.
- Enrollment statistics for the new alternative work schedule (AWS) option.

- Review and observation of guidance and training materials and activities related to the pilot.
- Surveys of all employees in the Department (supervisory and non-supervisory)
- Facilitated discussions or focus groups with non-supervisory employees, supervisors, managers, administrators, and union stewards about the implementation of the pilot options.

The surveys and facilitated discussions were critical sources of information, providing extensive feedback and opinions from employees at all levels in every agency both in the national and field offices. Two surveys were conducted. A preliminary survey was administered to all supervisory employees in the first two weeks of the pilot, to obtain their general perceptions about pre-pilot workplace flexibilities. The initial survey was important because informal feedback from some supervisors before the pilot indicated there was concern that more flexibility in scheduling could affect operations and performance. Near the end of the pilot period, all employees (supervisory and non-supervisory) were surveyed to obtain their opinions of the options and the pilot (n=15,900). The second All Employee Survey was sent to all DOL employees on September 15, 2015, and 5,003 employees (supervisory and non-supervisory) completed the survey. The Six-Month Employee Survey obtained perspectives from all employees, at all levels, in the national office and field offices.

In addition to the formal surveys, facilitated discussions and focus groups were held with over 592 supervisory and non-supervisory employees to obtain further insights into some of the issues and obtain a range of perspectives regarding the options and workplace flexibilities in general. The Chief Evaluation Officer led the discussions with supervisors, managers, union leaders, and union stewards. The union representatives assisting with the evaluation led discussions with non-supervisory employees in the national offices and in field offices. No conclusions can be drawn from the group discussions since participants were not representative of all employees in the respective agencies. However, the discussions provided important context for understanding and analyzing the survey and administrative statistics and helped inform the final conclusions and recommendations. Participation in the facilitated discussions and focus groups, by agency and employee group, are summarized on Exhibit 2.

Exhibit 2. Summary of Participants in Facilitated Discussions and Focus Groups, by Agency and Employee Group

Agency	Number of Participants
Office of the Solicitor Senior Executives	17
Office of the Solicitor Managers	100+
Office of the Solicitor Managers	100+
Employment and Training Administration (ETA)/OPDR Managers	8
Office of the Assistant Secretary and Management (OASAM) Managers	21
Administrative Officers (all agencies)	33
ETA Senior Executives	26
Office of Federal Contract Compliance Programs Managers and Supervisors	100+
Bureau of International Labor Affairs Managers and Supervisors	14
Office of Worker's Compensation Programs Regional Managers	33
Office of the Assistant Secretary for Policy Managers	5
OASAM Senior Executives	16
BLS Non-Supervisory Employees	12
National Office Non-Supervisory Employees	8
Union Stewards (Local 12)	13
Regional Office Non-Supervisory Employees	5
Union Stewards (NULI)	15
Union Stewards (NCFLI)	30
NCFLI Leadership	10
AFGE LU 12 Stewards	26
Total	592+

Thus, this is a descriptive assessment of the Department's progress in increasing workplace flexibilities. The intent is to provide an overall assessment of the procedures put into place, including 1) the implementation of the pilot; 2) perspectives about the flexibilities, both pro and con; and 3) recommendations about whether to continue the options and, if continued, whether to make modifications. Both qualitative and quantitative analyses were conducted to address the main objectives listed above and data analysis and findings are included in this report. It was not possible to conclusively estimate whether the options affected performance or other quantitative outcomes because of the short pilot period (six months) and because other factors may have also occurred at the same time that could be associated with performance trends, such as budgetary and staffing changes or changes in administrative or operational procedures. However,

employees were asked in the survey to provide their “informed opinions” about how the options affect their programs, offices, and work.

3. Take Up and Use of the Flexibilities

This section uses DOL human resources time records data and survey responses to examine the adoption of the alternative work schedule (AWS) option and the work band and core hour options.

Adoption of AWS Option

Under the pre-existing policy, employees could request approval from their supervisors to work the pay period hours (e.g., 80) in less than ten days. For example, the “4/10” schedule would mean the employee works 10 hours a day, four days a week; the “5/4/9” schedule would mean working nine hours a day over the two week period and having one day off. Employees were not able to accumulate or use “credit” hours while on compressed schedules before the pilot. In most cases, the day off was Monday or Friday, but there was variation. In early 2015, the Human Resources Center (HRC) payroll records indicated that 6.52 percent of DOL employees were on some form of compressed schedule.

The formal AWS piloted modified the pre-existing compressed schedule policy in several ways. First, employees who want to apply for the AWS can do so on-line, with their request form automatically circulated to their supervisor for a decision. The supervisor’s approval or denial is also done on-line, and then automatically submitted to the HRC. All applications and decisions are reviewed and, if necessary, a human resources specialist contacts the supervisor if there are questions about the decision. In some cases the supervisor may review the application again and revise the initial decision. Once the decision is finalized, the employee is notified and, if approved, his or her payroll record is updated. Second, the 4/10 or 5/9 schedule would mean taking off either a Monday or a Friday in the pay period, and the AWS schedule remains fixed until changed.

About 20 percent of employees who completed the survey report that they applied for AWS, and 94 percent of those report that their applications were approved. The HRC payroll records indicate that 1,582 applications for AWS were submitted between April 5, 2015 and February 11, 2016 (or about 9 percent of DOL employees), and that 85 percent of the requests have been

approved. The difference between the survey rate and the HRC rate likely is due to more AWS employees responding to the survey than their representation in the workforce.

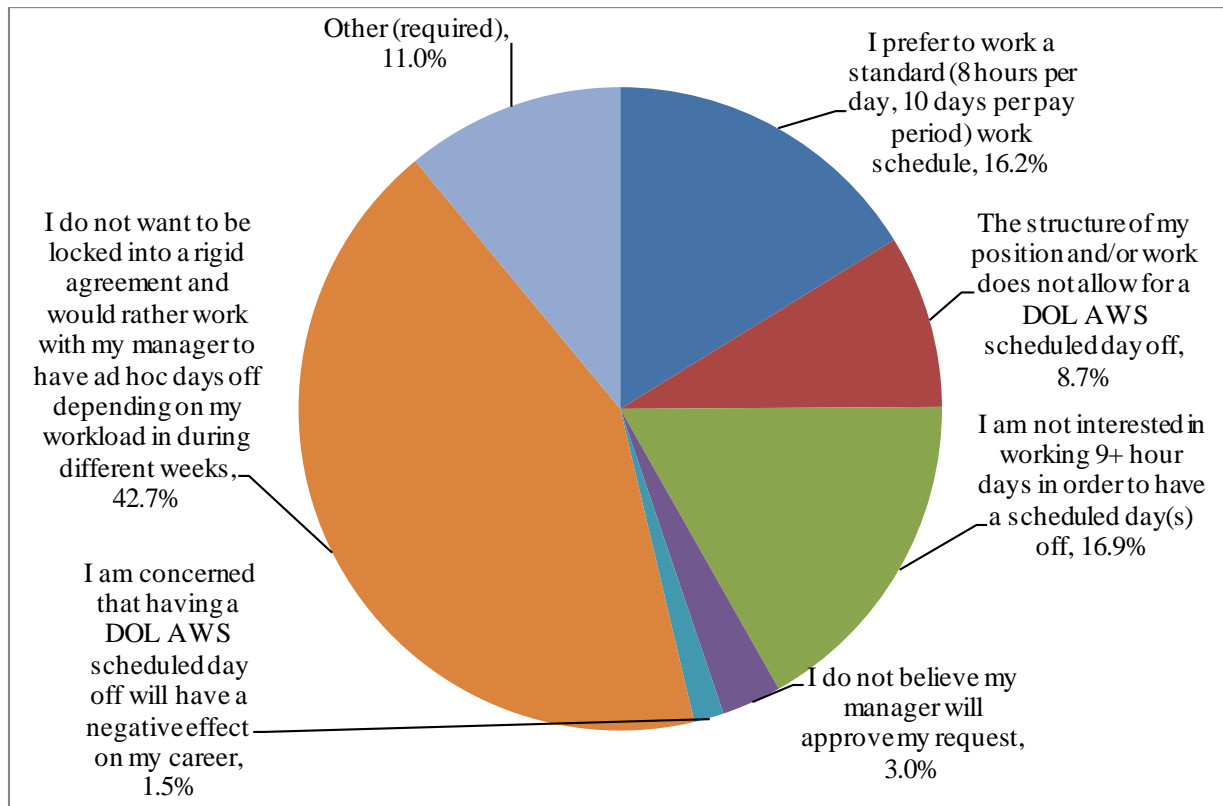
With the introduction of AWS during the pilot, the percentage of employees using an alternative schedule increased by about 25 percent— from 6.52 percent of employees before the pilot to 8.8 percent by February 2016. Exhibit 3 shows the applications and approvals by agency based on the HRC data. The percentage of employees on AWS ranges from 4.3 percent in the Office of the Secretary to 21.6 percent in the Women’s Bureau. The agencies with the most employees on AWS are, of course, those with the largest number of employees overall—the Bureau of Labor Statistics (BLS), the Employment and Training Administration (ETA), the Mine Safety and Health Administration (MSHA), the Occupational Safety and Health Administration (OSHA), the Office of Workers' Compensation Programs (OWCP), and the Wage and Hour Division (WHD) each have over 100 employees on AWS. Two-thirds of the employees with AWS schedules are in the field and one-third are in the national offices. Employees were asked in the survey to indicate what days they have off under the AWS plan, and over 50 percent of those with AWS report their day off is Friday; about 30 percent have a Monday off; and the rest did not provide a response to the question.

Exhibit 3. AWS Rates as of February 17, 2016

		Cumulative AWS Requests and Approvals			
Agency	Number of Employees	Number of AWS requests	% of Employees requesting AWS	AWS Approvals	% of Employees with AWS
ARB	14	1	7.1%	1	7.1%
BLS	2,420	155	5.3%	128	5.3%
BRB	63	1	1.6%	1	1.6%
EBSA	976	112	11.5%	85	8.7%
ECAB	36	1	2.8%	1	2.8%
ETA	1,102	203	18.4%	187	16.9%
ILAB	113	21	18.5%	21	18.5%
MSHA	2,306	141	6.1%	120	5.2%
OALJ	149	25	16.8%	21	14.1%
OASAM	796	107	13.4%	91	11.4%
OASP	38	5	13.2%	5	13.2%
OCAB	n/a	1	n/a	1	
OCFO	104	13	12.5%	13	12.5%
OCIA	36	4	11.1%	4	11.1%
ODEP	60	1	0%	0	0.0%
OFCCP	613	106	17.3%	97	15.8%
OIG	363	31	8.5%	29	8.0%
OLMS	206	27	13.1%	20	9.7%
OMBUD	n/a	1	n/a	1	
OPA	57	9	15.7%	8	14.0%
OSHA	2,126	201	9.5%	175	8.2%
OWCP	1,528	148	9.7%	117	7.7%
SEC	70	3	4.3%	3	4.3%
SOL	730	72	9.9%	64	8.7%
VEIS	233	31	13.3%	26	11.2%
WB	51	11	21.6%	11	21.6%
WHD	1,807	193	10.7%	164	8.8%
DOL-WIDE	~15,916	1,624	10.2%	1,394	8.8%

The survey responses also provide information about why employees chose not to request AWS, as shown in Exhibit 4. Of those who said they did not request AWS, 42.7 percent report that they did not want to be locked in to a rigid plan and day off, preferring instead to work informally with their supervisor. The second most common reason employees give for not requesting the formal AWS is that they do not want to work 9 or 10 hours a day (16.9 percent) and another 16.2 percent report they prefer to work standard 8-hour days.

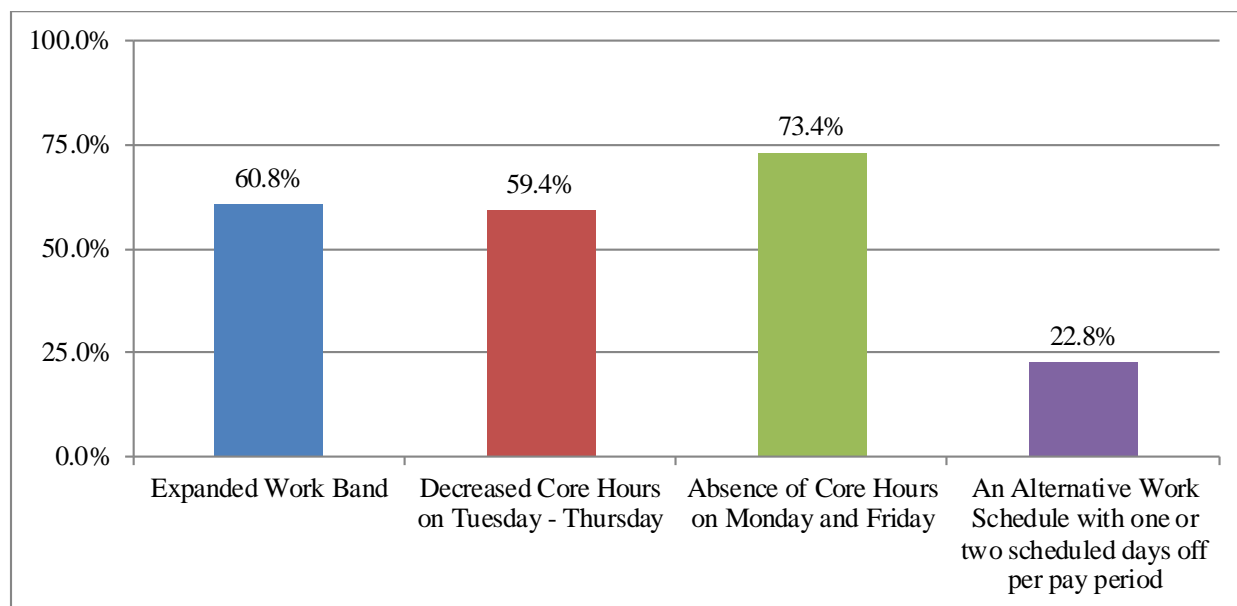
Exhibit 4. Reasons for Not Requesting AWS



Use of Core Hours and Work Band Options

It is not possible to determine from the human resources records precisely how many staff use the core hour and work band flexibilities. However, the survey asked about these options, and it is clear that many more employees report using the hours flexibilities than AWS, as shown on Exhibit 5. While 22.8 percent of those responding to the survey said they use AWS, 73.4 percent say they have used the Monday and Friday “no core hours” option, and about 59.4 percent report they have used the expanded work band on decreased core hours (on Tuesdays, Wednesdays and Thursdays). Over 95 percent of employees responding to the survey indicate that the expanded work band and the decreased core hours have “provided me with more flexibility.”

Exhibit 5. Use of Workplace Flexibility Options



4. Implementation

The workplace flexibility options were used during the pilot period in all DOL agencies, at the national office and in the field. Several questions about the implementation of the pilot were included in the employee survey along with questions about employees' opinions about the implementation, from the orientation and training available, to how the flexibilities played out in the offices and whether they had any effect of office productivity. The responses are shown separately for managers/supervisors and non-supervisory employees because while the general patterns are similar (that is, the majority of both supervisors/managers and non-supervisory employees responded favorably about the various aspects of the flexibilities), there are statistically significant differences that are noted in the following sections where appropriate.³

Start-up of the Pilot and Options

There were many training and information sessions and extensive guidance materials. Of employees responding to the survey, 89 percent report that they did participate in one or more of the in person or web-based training sessions. About 84 percent of those responding to the survey reported that guidelines were clear, and 73 percent indicated the training was adequate, as shown in Exhibit 6.

The start-up of the pilot happened very rapidly, with all the training sessions occurring in March for an April implementation date. Based on the survey responses (also shown on Exhibit 6), the speed in which the pilot was implemented may have contributed to some confusion about procedures and responsibilities, although a majority of employees reported that the preparation time was adequate. For example, while 63 percent of non-supervisors felt managers had sufficient time to plan for the pilot, 37 percent did not feel the planning time was sufficient, as did 47 percent of managers. In discussion groups, several managers also said they did not feel there was enough advance notice and information about the options and procedures.

³ Statistical tests were used to determine whether there was a significant difference in the responses by managers and non-managers. In this section, statistically significant differences are noted, meaning the difference is statistically significant at the $p < .01$ level, strongly implying that these differences are not due to random chance alone.

Exhibit 6. Employee Perspectives on Workplace Flexibilities Pilot Start-Up

Item	“Agree” or “Strongly Agree” with the survey item					
	Non-supervisory employees		Managers/supervisors		Total Employees	
	%	N	%	N	%	N
Guidelines were communicated clearly	84.7%	4,983	80.0%	828	84.0%	5,811
Training was sufficient	72.7%	4,977	64.4%	827	71.5%	5,804
Supervisors/managers had sufficient time to plan and implement the pilot	63.1%	4,905	52.9%	823	61.6%	5,728

Note: The difference in patterns of responses, between managers/supervisors and non-managers, for each question in this exhibit, is statistically significant at the $p < .01$ level.

Office and Supervisory Support for the Options

Implementing change in workplace policies requires the full support of managers and supervisors. According to the survey (see Exhibit 7), most managers and supervisors at DOL have indeed been supportive of the flexibilities piloted, with about 78 percent of all employees

Exhibit 7. Employee Perspectives on Supervisory Support for the Workplace Flexibilities Pilot

Item	“Agree” or “Strongly Agree” with the survey item					
	Non-supervisory employees		Managers/supervisors		Total Employees	
	%	N	%	N	%	N
Managers/administrators in my agency are supportive of the pilot	77.3%	4,979	81.7%	829	77.9%	5,808
Regional administrators have been supportive of the pilot	57.4%	4,871	62.5%	781	58.1%	5,652
Supervisors in my agency are supportive of the pilot	78.2%	4,952	83.9%	825	79.0%	5,777

Note: The difference in patterns of responses, between managers/supervisors and non-managers, for each question in this exhibit, is statistically significant at the $p < .01$ level.

(non-supervisory and supervisory combined) who responded to the survey indicating that “managers and administrators in my agency are supportive.” This is confirmed by the fact that the three unions report that no formal grievances were filed related to the pilot options. However, the survey responses also suggest that the support may be somewhat lower in regional offices than in the Department as a whole (57 percent of non-supervisors report that “regional administrators are supportive”).

Operational Implications

Some managers had indicated before the pilot that they were concerned that more flexibilities would negatively affect performance. Therefore, the survey included questions about employee perspectives on productivity. A majority of managers and supervisors who submitted surveys, like non-supervisory employees, report there has been little effect on performance, but the level of the responses in a few areas are somewhat lower for managers and supervisors than for non-supervisory, as shown in Exhibit 8. About 8 percent of non-supervisors reported that “work unit productivity decreased,” meaning 92 percent of non-supervisors report the flexibilities have no effect on productivity in their work unit. However, more managers (25 percent), report that productivity decreased. Similarly, 90 percent of non-supervisors feel there has been no effect on the work unit’s ability to complete work effectively, but 75 percent of managers agreed with that statement, meaning 25 percent feel work completion has been affected. The same pattern of difference between managers and non-managers is evident regarding team dynamics. About 87 percent of non-supervisors feel there has been no decrease in team dynamics, cohesion, or communication, compared to 63 percent of managers.

The extent of these problems is not known, but since the vast majority of survey responses indicate there are no problems, they likely represent a minority of situations. Yet, concerns in these areas were frequently raised in discussion groups, and mentioned in the open-ended comments submitted with the surveys. For example, a majority of the open-ended comments submitted with surveys were about problems related to scheduling and core hours, particularly lack of communication and inadequate office coverage on reduced core hour days. A number of

comments also mentioned instances where employees noted that some workers are “taking advantage” or abusing the pilot flexibilities. In discussion sessions with managers and supervisors, concerns were also frequently raised about the lack of clarity about some of the details related to options, such as what happens on holiday weekends, what discretion supervisors have, when lunch breaks must be taken, and whether “split shifts” are allowed. Several managers also noted, though, that the difficulties with scheduling tended to be for staff with whom there had been previous performance or attendance concerns.

Exhibit 8. Employee Perspectives on Workplace Flexibility and Productivity

Item	“Disagree” or “Strongly disagree” with the survey item					
	Non-supervisory employees		Managers/ supervisors		Total employees	
	%	N	%	N	%	N
Workplace Flexibilities policies are ambiguous and unclear	9.1%	4,961	15.7%	826	10.0%	5,787
Work unit is unable to complete work effectively under the pilot	10.2%	4,962	25.5%	825	12.3%	5,787
Some employees are using the flexibilities inappropriately	8.5%	4,956	21.0%	824	10.3%	5,780
Productivity in the work unit has decreased under the pilot	7.8%	4,948	24.9%	826	10.3%	5,774
My workload has increased under the pilot	11.2%	4,959	30.7%	826	14.0%	5,785
Team dynamics, cohesion, and communication in the work unit has suffered under the pilot	12.6%	4,966	37.2%	828	16.1%	5,794

Note: The difference in patterns of responses, between managers/supervisors and non-managers, for each question in this exhibit, is statistically significant at the $p < .01$ level.

In addition, while most employees (managers and non-managers) do not feel the pilot has negatively affected their work unit’s productivity, some managers express concerns that their own and their unit’s workload and communication difficulties increased during the pilot. For

example, while only 11 percent of non-supervisors report their own workload has increased, 31percent of managers said their work has increased. In the same way, 13 percent of non-supervisors indicate that the pilot had a negative effect on unit cohesion, team dynamics, or communication, but 37 percent of managers reported their units had been affected in these ways.

When these types of problems were raised in discussion groups, other supervisors inevitably described how they have avoided difficulties or solved problems.⁴ This suggests there is considerable expertise in the Department in managing in a flexible work environment that could be more readily shared. Exhibit 9 shows various strategies that managers shared:

Exhibit 9. Promising Strategies in Flexible Workplaces

Issue	Promising Practice
Management Issues	
Difficulty managing employees' schedules	Keep an office calendar where employees can share their times in and out of the office (e.g., button board or outlook calendar)
Lack of office coverage	<ul style="list-style-type: none"> • Rotating Phone duty • Designating positions within the office that are considered "mission critical" (provide this list office-wide)
Lack of communication with staff	<ul style="list-style-type: none"> • Use collaborative tools such as Skype or SharePoint. • Open lines of communication with staff, such as asking "what their week looks like"
Staff off on Mondays and Fridays	<ul style="list-style-type: none"> • Allow employees to manage their own team schedules • Utilizing Mondays and Fridays differently than the rest of the week (i.e. "draft days", "paperwork days")
Difficulty scheduling meetings to accommodate all staff	<ul style="list-style-type: none"> • Institute a 48 hour protocol for scheduling meetings and/or hold meetings T/W/R from 10-2:30 (during core hours)—if needed to have emergency meetings on M/F.
Inappropriate use of workplace flexibilities	<ul style="list-style-type: none"> • Move an employee to a fixed compressed schedule if the AWS plan was being abused.

⁴ No conclusions can be drawn from focus groups since participants are not representative of all employees. One must also remember that most supervisors/managers, like non-supervisors had positive opinions about the pilot.

5. Perspectives about the Value of Workplace Flexibilities

Questions were included in the survey about employee's opinions about whether the flexibilities are worthwhile and the effect on organizational culture. Responses from the survey as well as insights obtained in the many discussion focus groups provide useful information about how DOL employees feel about the options piloted.

Workplace flexibilities, in general and those in the pilot, are viewed as very positive, especially by non-supervisory employees. Managers/supervisors and non-managers alike are extremely supportive of having more flexibility and indicated that they believed the flexibilities. In the pre-pilot survey of managers about 70 percent "strongly agreed" that offering employees increased options for core hours and a more flexible work schedule was worthwhile, and in the Six Month Survey, about 75 percent of managers "agreed or strongly agreed" with that statement, as did 92 percent on non-supervisory employees. Workplace flexibilities are also considered important for employee satisfaction and engagement, again especially by non-managers. Of those who responded to the survey, 90 percent of non-supervisory employees and 71 percent of managers and supervisors "agreed or strongly agreed" with the above statement.

In addition, there is little sense that the flexibilities overall have had a negative effect on organizational culture. Ninety-three percent of all employees who responded to the survey agreed or strongly agreed that the flexibilities have not had a negative impact on DOL's current organizational culture—93 percent of non-supervisors and 79 percent of managers.

6. Conclusion and Recommendations

The main findings from the evaluation of the workplace flexibilities pilot in 2015 are positive, and the options piloted represent some important expansions in workplace flexibility options for DOL employees. In general, the pilot went well, with employees (supervisory and non-supervisory) overwhelmingly supporting flexibilities to allow more work-life balance. The expanded hours band is especially popular among both managers and staff.

Some supervisory concerns continued throughout the six month period, although most of the early problems raised by supervisors, such as clarifying the procedures and policies, had been addressed after a few months. One issue that remains, relates to difficulty in some (but not all) offices in ensuring adequate staff coverage on Mondays and Fridays, and lack of clarity about supervisory discretion related to scheduling—both of these concerns are reportedly compounded by the combined effect of the pilot options and telework. Another issue is related to the requirement that the AWS day off be a Monday or Friday.

To build upon the generally positive findings and address some of the concerns identified, four recommendations are offered that could improve the policies piloted and maximize the potential benefits of expanded workplace flexibilities:

- **DOL should continue all three flexibilities**, and the Secretary and the labor-management group might wish to consider the feasibility of modifications to smooth out the possible effects on Monday and Friday. Altering the AWS to allow the “off” day to be any day of the week (on a set schedule per the employee’s AWS agreement) would help some.
- **The Department and the unions should consider the viability of continuing an informal mediation process.** The unions have played a critical role in the pilot, from actively participating in the design of the options and the pilot, to facilitating orientation sessions, and to engaging in informal mediation when problems arose. The informal mediation process should continue, although it should in no way interfere with the rights of employees to file formal grievances as needed.

- **DOL’s Human Resources Center should arrange for periodic refresher training for both supervisory and non-supervisory employees.** While the majority of supervisors reportedly have established reasonable arrangements for necessary team activities such as meeting, communicating and maintaining information an area on which supervisors would benefit from more training and peer-to-peer exchanges of best practices. Non-supervisory staff would also benefit from refresher training about their responsibilities, the importance of communication, and how to balance employee flexibility with “mission first.” or hearing lessons from other offices that requires attention. Some of these concerns and lack of clarity may be related to the fact that the pilot was scheduled for just six months. Making the flexibilities permanent will allow the formal policies, training, and exchanges to be institutionalized in the Department.
- **The Department should continue to modernize information technology capabilities** that could greatly improve workplace scheduling and communication activities. The most important areas on which to focus include upgrading communication tools to allow for better team communication (e.g., teleconferences, Skype), improving the reliability of computer and network access for remote use, and providing supervisors and staff with more flexible scheduling tools and software.

The workplace flexibilities pilot represents an important expansion of scheduling and work hour options for DOL employees. The findings and recommendations from this formative evaluation during the 2015 pilot period suggest that making the options permanent and considering the recommendations, will help to achieve the objective of providing maximum employee flexibility and work-life balance, while continuing to carry out the work of the agencies within the Department.

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APPENDICES

Appendix A. Presidential Memorandum -- Enhancing Workplace Flexibilities and Work-Life Program

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Enhancing Workplace Flexibilities and Work-Life Programs

To attract, empower, and retain a talented and productive workforce in the 21st century, the Federal Government must continue to make progress in enabling employees to balance their responsibilities at work and at home. We should build on our record of leadership through better education and training, expanded availability of workplace flexibilities and work-life programs, as appropriate, and improved tracking of outcomes and accountability. In doing so, we can help ensure that the Federal workforce is engaged and empowered to deliver exceptional and efficient service to the American public while meeting family and other needs at home.

Therefore, it is the policy of the Federal Government to promote a culture in which managers and employees understand the workplace flexibilities and work-life programs available to them and how these measures can improve agency productivity and employee engagement. The Federal Government must also identify and eliminate any arbitrary or unnecessary barriers or limitations to the use of these flexibilities and develop new strategies consistent with statute and agency mission to foster a more balanced workplace.

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to support executive departments and agencies (agencies) in their efforts to better utilize existing and develop new workplace flexibilities and work-life programs, I hereby direct as follows:

Section 1. Right to Request Work Schedule Flexibilities.

(a) Agencies shall make Federal employees aware, on a periodic basis, that they have the right to request work schedule flexibilities available to them under law, pursuant to an applicable collective bargaining agreement, or under agency policy, without fear of retaliation or adverse employment action as a consequence of making such a request.

(b) To facilitate conversations about work schedule flexibilities, each agency shall review, and if necessary amend or establish, procedures within 120 days of the date of this memorandum. Subject to collective bargaining agreements, agency procedures must provide:

- i. employees an ability to request work schedule flexibilities, including telework, part-time employment, or job sharing;
- ii. that, upon receipt of such requests, supervisors (or their designees) should meet or confer directly with the requesting employee as appropriate to understand fully the nature and need for the requested flexibility;
- iii. that supervisors must consider the request and supporting information carefully and respond within 20 business days of the initial request, or sooner if required by agency policy; and
- iv. that the agency should remind employees on a periodic basis of the workplace flexibilities available to them.

(c) The Director of the Office of Personnel Management (OPM) shall issue guidance to Chief Human Capital Officers regarding the requirements set forth in this section within 60 days of the date of this memorandum, and shall assist agencies with implementation of this section.

(d) Nothing in this section shall be construed to impair or otherwise affect the discretion granted to an employee's supervisor in making a decision on the request for work schedule flexibilities, in accordance with the agency's mission-related requirements.

Sec. 2. Expanding Access to Workplace Flexibilities.

Agency heads shall ensure that the following workplace flexibilities are available to the maximum extent practicable, in accordance with the laws and regulations governing these programs and consistent with mission needs:

- (a) part-time employment and job sharing, including for temporary periods of time where appropriate;
- (b) alternative work schedules, including assurance that core hours are limited only to those hours that are necessary;
- (c) break times for nursing mothers and a private space to express milk;
- (d) telework;
- (e) annual leave and sick leave, including the advancement of leave for employee and family care situations;
- (f) sick leave for family care and bereavement;

- (g) sick leave to care for a family member with a serious health condition;
- (h) sick leave for adoption;
- (i) leave pursuant to the Family and Medical Leave Act (FMLA), including allowing employees to take their FMLA leave intermittently as allowed under the Act, including for childbirth, adoption, and foster care;
- (j) leave transfer programs, including leave banks;
- (k) bone marrow and organ donor leave; and
- (l) leave policies related to domestic violence, sexual assault, and stalking situations.

Sec. 3. Expanding Availability and Encouraging Use of Work-Life Programs.

Agency heads are encouraged to take steps to increase the availability and use of the following work-life programs to the maximum extent practicable:

- a. dependent care programs, including the availability of on-site child care, child care subsidies, emergency child care, and elder care;
- b. Employee Assistance Programs, including counseling, resources, and referrals;
- c. support for nursing mothers, including worksite lactation support programs and resources; and
- d. worksite health and wellness programs, and opportunities to utilize those resources.

Sec. 4. Helping Agencies Encourage the Use of Workplace Flexibilities and Work-Life Programs. The Director of OPM

(Director) shall work with agencies to:

- a. provide appropriate education and guidance to all agency employees, including managers and supervisors, on the use of workplace flexibilities and work-life programs as strategic tools to assist with the recruitment and retention of employees, with an emphasis on furthering positive outcomes for employees and the agency that result from optimizing their use;
- b. support agencies in their efforts to develop training programs that educate employees, managers, and supervisors about the resources that are available to meet work-life needs;

- c. support agencies in promoting workplace cultures in which workplace flexibilities and work-life programs are a standard part of operating procedures, and identify any arbitrary, unnecessary, or cultural barriers limiting use;
- d. review the Federal Employee Viewpoint Survey data related to supervisor and senior leadership support for work-life, as well as use and satisfaction with alternative work schedules, telework, and work-life programs;
- e. implement the President's Management Agenda efforts in a manner that improves Senior Executive Service focus on creating inclusive work environments where workplace flexibilities and work-life programs are used effectively;
- f. create, annually update, and electronically publish a Workplace Flexibility Index using data from the Federal Employee Viewpoint Survey, reporting required by the Telework Enhancement Act of 2010, and other appropriate measures of agencies' effective use of workplace flexibilities;
- g. within 120 days from receipt of the agency reports submitted pursuant to section 5 of this memorandum, prepare a report to the President that includes information on agency best practices with regard to the use of workplace flexibilities, any barriers to or limitations that may unnecessarily restrict the use of existing workplace flexibilities and work-life programs, recommendations for addressing or eliminating such barriers or limitations, proposals for future data reporting, and metrics for tracking the use and cost-benefit of work-life programs; and
- h. review, for the purpose of identifying relevant trends related to workplace flexibility issues, the annual report that agencies provide to OPM under the No FEAR Act, which includes the agency's analysis of violations of antidiscrimination and whistleblower laws, an examination of trends, causal analysis, practical knowledge gained through experience, and any actions planned or taken to improve programs within the agency.

Sec. 5. Agency Review of Workplace Flexibilities and Work-Life Policies and Programs.

Within 120 days of the date of the issuance of guidance pursuant to section 1(c) of this memorandum, each agency shall review its workplace flexibilities and work-life policies and programs to assess whether they are being effectively used to the maximum extent practicable and submit a report to OPM that includes:

- a. any best practices the agency has employed to create a culture and work environment that supports the productive and efficient use of workplace flexibilities and work-life programs; and
- b. any barriers to or limitations that may unnecessarily restrict the use of existing workplace flexibilities and work-life programs and recommendations for addressing or eliminating such barriers or limitations.

Sec. 6. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

- i. the authority granted by law or Executive Order to an agency, or the head thereof; or
 - ii. the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
-
- b. This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.
 - c. This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
 - d. The Director is hereby authorized and directed to publish this memorandum in the *Federal Register*.

Appendix B. MOU between DOL and the Labor Unions

Memorandum of Understanding

Between

**American Federation of Government Employees (AFGE) Local 12,
AFL-CIO National Council of Field Labor Locals (NCFL), AFGE,
AFL-CIO National Union of Labor Investigators (NULI)**

And

The U.S. Department of Labor (DOL)

I. Introduction and Preamble

The Department of Labor and its employees are first and foremost responsible for achieving the mission of the Agency to foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.

Further, Department of Labor management and its Labor counter parts, the NCFL, Local 12 and NULI, recognize that in order to achieve this mission, it must ensure that all parts of the mission are covered by its key assets, the Department's talented and hard-working employees.

To that end, all parties agree that the types of work completed throughout DOL may significantly vary and therefore, the ability to utilize workplace flexibilities may in some cases be limited. All parties understand that the need to meet the mission of the Agency is the highest priority and are committed to ensuring this occurs. For example, DOL employees required to engage in the following mission-based work and coverage requirements, understand that their use of workplace flexibilities in this MOU may be limited by these and other activities:

- ☐ conduct inspections and investigations,
- ☐ attend training,
- ☐ attend legal proceedings,
- ☐ be present at worksites during specific work hours,
- ☐ be present at work for blocked periods of time such as the end of the fiscal year or other high-volume time periods for fiscal or other reasons,
- ☐ provide administrative office coverage, or
- ☐ on specific days of the week or hours of the day based on business needs.

In its endeavors to achieve this mission, the Department of Labor also recognizes that it must be a leading example for demonstrating a commitment to providing a positive workplace for its employees. DOL recognizes the importance of workplace flexibilities for its employees and its responsibility as a model employer. In an effort to attract, empower, and retain a talented and productive workforce in the 21st century, and in support of the Presidential Memorandum on Enhancing Workplace Flexibilities and Work-Life Programs (June 23, 2014), we must continue to enable employees to balance their responsibilities to deliver exceptional and efficient service to the American public while meeting family and other needs at home.

II. Definitions

- A. **Core Hours** are time periods during the workday, workweek, or pay period that are within the tour of duty which an employee covered by a flexible work schedule is required by the applicable flexi time plan to be present for work. With the supervisor's approval, an employee may use credit hours or leave to account for absences during core hours as well as absences outside of core hours.
- B. **Work Band** is the time between the first and last hour in a day that an employee may work before receiving overtime pay.

III. Provisions

- A. The Department's core hours are 10:00am to 2:30pm, Tuesday through Thursday of each work week during the bi-weekly pay period. There are no core hours on Monday and Friday.
- B. The Department's work band, **excluding those employees on a fixed work schedule**, is 6:00am to 8:00pm, Monday through Friday. In some DOL locations, utilities (such as HVAC and lighting) may not be available past certain times and will not be extended in buildings where they are shut off prior to 8:00 PM. Employees should take these factors into consideration when planning work schedules and make plans accordingly.
- C. Employees on the variable work schedule are required to satisfy a basic work requirement of no less than four days per week, to include hours worked, leave, or a combination of both.
- D. Employees on the variable work schedule are required to satisfy a basic work day requirement of no less than four hours, to include hours worked, leave, or a combination of both.
- E. Notwithstanding any contractual provisions¹ to the contrary, the following flexible work schedule, Alternative Work Schedule (AWS), is established and available to all eligible DOL employees. Under AWS, a full-time employee may complete their basic 80 hour work requirement in fewer than 10 work days.
 - 1. The core hours and work band defined in Section III-A, III-B, III-C and III-D listed above, apply to AWS.
 - 2. Employees participating in AWS may earn and request and use credit hours in accord with policy and the applicable CBA articles.
 - 3. The employee's schedule – including the regular work day off – will be discussed and established in advance with an employee's immediate supervisor. The employee's schedule – including the regular work day off will be recorded on a standard employee schedule form. [See attachment].

¹ Article 25, Section 2.C. of the CBA between NCFL and DOL specifically discusses the First 40-hour tour of duty for MSHA authorized Representatives and Right of Entry Employees. Part-Time BLS CPI Economic Assistants, including those covered by the MOU between NCFL and DOL, dated January 15, 2015 are excluded from this MOU.

- i. To ensure the supervisor is able to plan and assign work within the work unit, the regular work day off will be the same each pay period.
 - ii. If an employee on AWS requests to change a regular work day off and the request is denied due to business reasons, the supervisor must explain the decision in writing and attempt to agree on a different day.
 - iii. If the regularly scheduled day off falls on a federal holiday, the employee is entitled to an “in lieu of” day.
 - iv. To the extent practicable, the work schedules described above will be available to part-time DOL BU employees. Appropriate arrangements will be worked out between the employee and the supervisor, consistent with the needs of the office and the spirit of the program. However, supervisors retain the right to establish and make final decisions relative to any work hour arrangements for part time employees.
 - v. AWS Day off/Scheduling adjustments/conflicts: When these situations occur, supervisors retain the right to establish and make final decisions relative to any alternative work schedule arrangements, including providing final approval concerning the employee’s regularly scheduled day off under an AWS agreement. If conflicts arise as a result of several employees requesting the same regularly scheduled day off, then employee seniority (as defined by the applicable CBA), will be the deciding factor.
- F. The parties recognize that certain circumstances, including the need for office coverage and other items listed in the Introduction and Preamble, may impose restrictions on desired alternative work schedules. However, whenever feasible, management agrees to provide all affected employees with advance notification of any mission critical needs that may require mandatory adjustments to an employee’s established alternative work schedule.
- G. This MOU does not supersede contractual, statutory or regulatory provisions related to management’s right to assign work or determine work schedules, including the need to ensuring office coverage during normal DOL business hours of 8:30 a.m. to 5:00 p.m. or whatever regular business hours as specified in the applicable CBA or as determined by the individual field offices.

IV. Pilot Details

- A. The changes described in this MOU will be implemented on April 5, 2015, as a pilot for a period of six (6) months. In addition, following the six month pilot and until a decision is made regarding the status of the pilot, the pilot will be ongoing.
- B. Employees requesting to participate in the pilot AWS program must complete mandatory training in advance of participation.

C. During the pilot period (six months and until a decision is made regarding the status of the program), the parties agree to make best efforts to informally resolve disputes regarding the application of this MOU and the work schedule changes, as follows:

1. Best efforts should be made between first line supervisors and employees to informally resolve the matter.
2. In the event that the matter cannot be resolved informally,
 - i. AFGE Local 12 bargaining unit employees' grievances will be treated as Grievance Board Grievances pursuant to Article 47, Section 8 of the CBA between Local 12 and DOL.
 - ii. NCFLR bargaining unit employees' grievances will be handled by the Local President and the regional Labor Relations Officer or his/her designee.
 - iii. NULI bargaining unit employees' grievances will be handled by the Regional Director and the NULI Regional Vice President.
3. In the event the resolution processes above are not successful, the parties agree to bring concerns to the attention of the Director, OELMR, to discuss and address timely.

D. Any information gathered during the six-month pilot period related to the work schedule changes discussed in this MOU will be provided to all three (3) Unions in aggregate format.

E. The NCFLR, NULI and AFGE Local 12 will identify one point of contact each to participate in the pilot review working group.

Appendix C. Manager Guide: DOL Workplace Flexibilities Pilot

Introduction

In support of the June 23, 2014 Presidential Memorandum – Enhancing Workplace Flexibilities and Work-Life Program, the Secretary of Labor has approved the pilot of increased work schedule flexibilities to begin on **April 5, 2015**¹. The pilot flexibilities were developed through collaboration between our labor unions and management. This information sheet provides a brief overview of the changes to core hours and work bands, and the introduction of a new DOL alternative work schedule (AWS).

Background and Purpose

At the request of the Secretary, DOL convened a labor forum during July 29-31, 2014, for the purpose of discussing possible enhancements to existing workplace flexibilities. The forum consisted of eight labor representatives representing Local 12, the NCFLL and NULI, as well as an equal number of management representatives. The resulting consensus was that DOL's mission must come first, and the proposed changes to the work band, core hours, and alternative work schedule were set forth with that in mind.

Several expanded work schedule flexibilities were identified by the workgroup. These flexibilities are intended to support and enhance the Federal Government's interests to attract, empower, and retain a talented and productive workforce in the 21st century by providing additional work schedule options that help employees balance their responsibilities both at work and at home. Through the expansion of work schedule flexibilities, DOL hopes to promote an engaged and empowered workforce that delivers exceptional service to the American public while assisting employees in meeting family and other personal needs. A pilot of these expanded work schedule flexibilities will begin on April 5, 2015.

Overview of New DOL Work Schedule Flexibilities

Flexibility	Scope	Old Parameters	New Parameters
Core Hours	All Employees	Monday – Friday, 9:30 a.m. – 3:00 p.m.	Tuesday – Thursday, 10:00 a.m. – 2:30 p.m. (No core hours on Monday and Friday)
Work Band	All Employees	6:00 a.m. – 7:00 p.m.	6:00 a.m. – 8:00 p.m.
DOL AWS	Employees who request and are approved by their supervisor to have a fixed, scheduled workday(s) off	N/A	In addition to the current options – the variable workweek, the fixed 8 hour, and the compressed schedule – an additional DOL Alternative Work Schedule (AWS) schedule is now available. The AWS is available for most employees and allows flexible start and end times while providing a fixed day off on Monday or Friday on a weekly or bi-weekly basis. Under the AWS, employees must work four workdays per week and at least four hours each work day. Credit hours may be earned under this schedule.

¹ April 5, 2015 is a Sunday and the first day of a pay period. For employees who traditionally work from Monday through Friday, most schedules will take effect on Monday, April 6, 2015.

Overview of Work Schedule Options during Pilot
New elements and changes are noted in bold.

	Variable Workweek	Fixed 8-Hour Schedule	Fixed Compressed Schedule	Alternative Work Schedule (AWS)
Description	Allows 80 hour tour of duty to be completed in 10 workdays with flexible work hours, leave, or credit hours.	Eight fixed hours with set start and end times are worked each day of the pay period.	Allows 80 hours to be completed in less than 10 days through a fixed schedule with set start and end times.	Allows 80 hour tour of duty to be completed in less than 10 days with flexible work hours or approved leave or credit hours.
Work Band	6:00 a.m. to 8:00 p.m.	6:00 a.m. to 8:00 p.m.*	6:00 a.m. to 8:00 p.m.*	6:00 a.m. to 8:00 p.m.
Core Hours	10:00 a.m. to 2:30 p.m. Tuesday-Thursday No core hours on Monday and Friday.	Core hours do not apply.	Core hours do not apply.	10:00 a.m. to 2:30 p.m. Tuesday-Thursday No core hours on Monday and Friday.
Credit Hours**	Maximum of 24 credit hours can be earned.	Credit hours do not apply.	Credit hours do not apply.	Maximum of 24 credit hours can be earned.
Other Requirements	Must work at least 5 workdays each week or use approved leave or credit hours. Must work at least 4 hours each workday or use approved leave or credit hours.		4/10: The employee works a fixed schedule of 10 hours per day for 4 days each week and selects a fixed day off. 5/4/9: The employee works a fixed schedule of five 9-hour days in one week and three 9 hour days plus one 8 hour day in second week. The employee selects a fixed day off.	Must work at least 4 workdays each week or use approved leave or credit hours. Must work at least 4 hours each workday or use approved leave or credit hours. Must select a scheduled AWS day off on Monday or Friday on a weekly or bi-weekly basis.

*Subject to supervisory approval.

**Members of the Senior Executive Service are not eligible to earn credit hours.

Excluding those required to work a standard workweek, First 40 Schedule, and/or Part-Time BLS CPI Economic Assistants, all other full-time and part-time DOL employees (including Senior Executives) may request supervisory approval to participate in one of the work schedule options shown above.

Employee Responsibilities

- Employees who are interested in electing a DOL AWS must complete the designated AWS training, and must complete an Alternative Work Schedule Agreement requesting supervisory approval to participate in the pilot.
- Employees must request advance supervisory approval to change the AWS day(s) off.
- Employees must respond to mission requirements as determined by the supervisor.
- Employees should be flexible; not everyone will be able to take the same day(s) off.

Supervisor Responsibilities

- Supervisors should review and make determinations on employee work schedule requests within 10 workdays unless circumstances dictate otherwise;
- If an AWS request is denied, provide the employee with a written business reason for the denial. Collaborate with the employee in an attempt to agree on a different AWS day off and assist the employee in exploring other possible alternatives that may be mutually accommodating;
- In approving work schedules, supervisors should consider the AWS requests of all employees in the unit, as well as assessing of the impact of established telework agreements to ensure effective office coverage;
- Supervisors must continue managing the work and workforce resources to accomplish mission requirements;
- Supervisors must clearly articulate to employees the expectations regarding office coverage, training, Agency-specific needs (e.g., inspections, investigations, legal proceedings, need to be onsite at worksites and specific times of the day/week/month/year during which employees may be required to temporarily suspend their AWS;
- In the event that a scheduling conflict arises among the employees in the work unit, supervisors must make final decisions relative to AWS scheduled day(s) off while balancing office coverage and needs. If a conflict arises specifically among bargaining unit employees, employee seniority, as defined in the applicable collective bargaining agreement, will be the deciding factor to determine which employees' work schedule requests take precedence;
- Supervisors must ensure that work that is authorized in excess of regular work hours is properly compensated with overtime or compensatory time;
- Supervisors must ensure that employee emergency contact information is up to date to ensure that adequate communication in the event of an emergency is possible; and
- Supervisors must seek assistance from their servicing HR office when needed.

Supervisors maintain the right to assign and establish work expectations, to limit employee participation in the DOL Work Schedule Flexibility pilot due to business reasons and to make all final decisions regarding work schedules to ensure that mission-based work and coverage requirements are met. Supervisors may modify, suspend, or terminate employee participation in

AWS to meet specific office and/or organizational needs, critical activities that include, but are not limited to, the following:

- Conducting inspections and investigations;
- Attending training;
- Attending legal proceedings;
- Being present at worksites during specific work hours;
- Being present at work for blocked periods of time such as the end of the fiscal year or other high volume time periods for fiscal or other reasons;
- Administrative office coverage; and
- Ensuring adequate coverage on specific days of the week or hours of the day based on business needs.

Pilot Evaluation

After the six-month pilot, the Chief Evaluation Officer and evaluation team will deliver a final assessment report of the pilot. The pilot changes will remain in place during the evaluation phase and a final decision is made on how the Department will proceed.

As part of the evaluation process, the Chief Evaluation Officer and evaluation team will conduct a credible assessment of the progress achieved through the DOL Workplace Flexibilities Pilot with regard to achieving the desired objectives of multiple stakeholders, inclusive of DOL senior leadership, first line managers, and employees. The study design being used is a Formative Utilization-focused Evaluation, which involves (1) engaging with stakeholders and participants on the design; and (2) providing periodic feedback to stakeholders and decision-makers on implementation and activity trends, which could suggest mid-course corrections to the pilot.

Available Resources:

- FAQs
- Website on “Me” Tab of LaborNet under “Human Resources”
- Servicing HR Office
- A dedicated DOL email box - flexibilities@dol.gov - will be maintained during the implementation of the pilot. The email box can be used for comments, questions, concerns, and feedback about the DOL Workplace Flexibilities Pilot.

Appendix D. Non-Supervisory Employee Guide: DOL Workplace Flexibilities Pilot

Introduction

In support of the June 23, 2014 Presidential Memorandum – Enhancing Workplace Flexibilities and Work-Life Program, the Secretary of Labor has approved the pilot of increased work schedule flexibilities to begin on **April 5, 2015¹**. The pilot flexibilities were developed through collaboration between our labor unions and management. This information sheet provides a brief overview of the changes to core hours and work bands, and the introduction a new DOL alternative work schedule (AWS).

Background and Purpose At the request of the Labor Secretary, DOL convened a labor forum between July 29-31, 2014, for the purpose of discussing possible enhancements to existing workplace flexibilities. The forum consisted of labor representatives from AFGE Local 12, the NCFLL and NULI, as well as an equal number of management representatives. The resulting consensus was that throughout this process DOL's mission must come first, and the proposed changes to the work band, core hours, and alternative work schedule were set forth with that in mind.

The pilot of these flexibilities supports and enhances the Federal Government's interests to attract, empower, and retain a talented and productive workforce in the 21st century by providing additional flexibilities to help employees balance their responsibilities both at work and at home. Through the expansion of work schedule flexibilities, DOL hopes to promote an engaged and empowered workforce that delivers exceptional service to the American public while assisting employees in meeting family and other personal needs.

Overview of New DOL Work Schedule Flexibilities

Flexibility	Scope	Old Parameters	New Parameters
Core Hours	All Employees	Monday – Friday, 9:30 a.m. – 3:00 p.m.	Tuesday – Thursday, 10:00 a.m. – 2:30 p.m.
Work Band	All Employees	6:00 a.m. – 7:00 p.m.	6:00 a.m. – 8:00 p.m.
DOL AWS	Employees who request and are approved by their supervisor to have a fixed, scheduled workday(s) off	N/A	In addition to the current options – the variable workweek, the fixed 8 hour, and the compressed schedule – an additional DOL Alternative Work Schedule (AWS) schedule is now available. The AWS is available for most employees and allows flexible start and end times while providing a fixed day off on Monday or Friday on a weekly or bi-weekly basis. Under the AWS, employees must work four workdays per week and at least four hours each work day. Credit hours may be earned under this schedule.

¹ April 5, 2015 is a Sunday and the first day of a pay period. For employees who traditionally work from Monday through Friday, most schedules will take effect on Monday, April 6, 2015.

Overview of Work Schedule Options during Workplace Flexibilities Pilot
New elements and changes are noted in bold.

	Variable Workweek	Fixed 8-Hour Schedule	Fixed Compressed Schedule	Alternative Work Schedule (AWS)
Description	Allows 80 hour tour of duty to be completed in 10 workdays with flexible work hours, leave, or credit hours.	Eight fixed hours with set start and end times are worked each day of the pay period.	Allows 80 hours to be completed in less than 10 days through a fixed schedule with set start and end times.	Allows 80 hour tour of duty to be completed in less than 10 days with flexible work hours or approved leave or credit hours.
Work Band	6:00 a.m. to 8:00 p.m.	6:00 a.m. to 8:00 p.m.*	6:00 a.m. to 8:00 p.m.*	6:00 a.m. to 8:00 p.m.
Core Hours	10:00 a.m. to 2:30 p.m. Tuesday-Thursday No core hours on Monday and Friday.	Core hours do not apply.	Core hours do not apply.	10:00 a.m. to 2:30 p.m. Tuesday-Thursday No core hours on Monday and Friday.
Credit Hours**	Maximum of 24 credit hours can be earned.	Credit hours do not apply.	Credit hours do not apply.	Maximum of 24 credit hours can be earned.
Other Requirements	Must work at least 5 workdays each week or use approved leave or credit hours. Must work at least 4 hours each workday or use approved leave or credit hours.		4/10: The employee works a fixed schedule of 10 hours per day for 4 days each week and selects a fixed day off. 5/4/9: The employee works a fixed schedule of five 9-hour days in one week and three 9 hour days plus one 8 hour day in second week. The employee selects a fixed day off.	Must work at least 4 workdays each week or use approved leave or credit hours. Must work at least 4 hours each workday or use approved leave or credit hours. Must select a scheduled AWS day off on Monday or Friday on a weekly or bi-weekly basis.

*Subject to supervisory approval.

**Members of the Senior Executive Service are not eligible to earn credit hours.

Current Work Schedules

The following are the types of work schedules currently available to DOL employees:

Standard Workweek: Employees on a standard workweek of five consecutive days, Monday through Friday, with eight-hour work days. This work schedule consists of up to five days of scheduled work in any calendar week and where daily hours may be scheduled by the supervisor.

Variable Workweek: Employees on a variable workweek have a flexible schedule containing core hours on each workday of a bi-weekly pay period. Start and stop times must fall within the flexible work band. Credit hours may be earned and used to cover absences. The Variable Workweek is the most heavily utilized by DOL employees.

First 40: This schedule is the contractually required schedule for MSHA Authorized Representatives and Right of Entry employees only. The schedule permits the completion of 40 hours of work within five consecutive days starting as early as Sunday but no later than Tuesday.

Compressed Work Schedule: This schedule has fixed start and end times, in addition to a fixed weekly or bi-weekly day off. These schedules are commonly known as 5-4/9 and 4-10 schedules. Employees are able to fulfill their 80 hour per pay period requirement in less than ten workdays. Employees cannot earn credit hours on a compressed work schedule.

NEW: DOL AWS: In addition to observance of the new core hours and new work band, under the DOL AWS, an employee may request to establish a fixed day off on either a weekly or bi-weekly basis. The requested day(s) off may only be on a Monday or a Friday. Additionally, employees must work, request approved leave or credit hours or some combination thereof for four workdays per week and each work day must consist of at least four hours. Please note the following additional details of the DOL AWS:

- Changes to core hours and work band times allow for greater flexibilities under many current available work schedules. Excluding part-time BLS CPI Economic Assistants, those required to work a standard workweek, and those covered by the First 40 schedule, all other full-time and part-time employees may request changes to their current work schedules through their managers.
- Employees must obtain supervisory approval to change their work schedules.
- Employees who are interested in participating in the DOL AWS must complete training and submit a request form.

The employee's schedule and designated day(s) off will be discussed and approved in advance with the employee's immediate supervisor. The employee's schedule, including the regular work day off, will be recorded on a standard employee schedule form. If the regularly scheduled AWS day off falls on a federal holiday, the employee is entitled to an "in lieu of" day off.

Employee Coverage and Responsibilities

In order to take advantage of the new DOL AWS under the pilot, employees may request a change in work schedule. The success of the DOL AWS will be dependent upon the communication between individual employees and their supervisors as well as between employees and their colleagues.

Employees must:

- Complete online DOL AWS training;
- Submit a request, including the details of the proposed new work schedule, to the supervisor;
- Work with the supervisor and colleagues to establish work schedules that balance mission accomplishment with workplace flexibility;

- Engage in discussions with the supervisor regarding expectations in the office and how they impact DOL AWS;
- Provide as much advance notice as possible in making requests to modify the work schedule or change days the DOL AWS day off;
- Recognize that business needs may require adjustment to or recall from an established DOL AWS for reasons such as, but not limited to inspections and investigations, legal proceedings, training, a need to be present at worksites during specific work hours, the need to complete high volumes of work during specific times of the year such as the end of the fiscal year or other time periods, administrative office coverage or other business needs;
- Respond to and meet mission requirements as expressed by the supervisor; and
- Be flexible; not everyone will be able to take the same day(s) off.

Supervisory Responsibilities

Supervisors must:

- Review and make determinations on employee work schedule requests;
- Provide employees with legitimate business reasons for DOL AWS request denials in writing (email is sufficient) and assist the employee in exploring other possible alternatives that may be mutually accommodating;
- Make final decisions relative to DOL AWS in the event that a conflict arises regarding the schedule of days off among the employees in the work unit. If a conflict arises specifically among BU employees, employee seniority, as defined in the applicable CBA will be the deciding factor.

Supervisors maintain the right to establish expectations, to limit employee participation in the pilot, and to make all final decisions regarding work schedules to ensure that mission requirements are met.

Supervisors may modify, suspend, or terminate employee participation in DOL AWS to meet specific office and/or organizational needs. Some of these critical activities include, but are not limited to, the following:

- Conducting inspections and investigations;
- Attending training;
- Attending legal proceedings;
- Being present at worksites during specific work hours;
- Being present at work for blocked periods of time such as the end of the fiscal year or other high volume time periods for fiscal or other reasons;
- Administrative office coverage; and
- Ensuring adequate coverage on specific days of the week or hours of the day based on business needs.

Evaluation of DOL Workplace Flexibilities Pilot

After the six-month pilot, the Chief Evaluation Officer and evaluation team will deliver a final assessment report of the pilot. The pilot changes will continue while the report is being developed.

The evaluation of the pilot will include an assessment of feedback from you. Please be on the lookout for invitations to participate in surveys and focus groups related to the new flexibilities after the pilot is implemented on April 5. Please participate in these surveys, as we need to hear from you what is working and what is not so we can work to further improve the flexibilities, in an effort to provide employees with increased options for better balancing life at work and at home.

Available Resources:

- FAQs
- Website on “Me” Tab of LaborNet under “Human Resources”
- Servicing HR Office
- A dedicated DOL email box - flexibilities@dol.gov - will be maintained during the implementation of the pilot. The email box can be used for comments, questions, concerns, and feedback about the pilot.