

**Union Proposal #11
Flex-Time Schedules**

April 6, 2021

ARTICLE 27: HOURS OF WORK AND OVERTIME
SECTION 1: SCHEDULING

...

B. Flex-time Plans-Schedule. The Appointing Authority and the Association may mutually agree to flex-time ~~plans~~ schedules plan. Flex-time ~~plans~~ schedules in existence prior to the effective date of this Agreement may be continued. ~~If a request for a flex time plan is denied, upon request of the employee, the Appointing Authority shall provide the employee the reasons(s) for the denial of the flex time plan request. If the Appointing Authority determines to discontinue flex time plan request. If the Appointing Authority determines to discontinue flex time plans, the Appointing Authority shall, upon request, discuss such change with the Association prior to implementation.~~

Flex-time schedules are regular, recurring, and consistent schedules. They do not include the occasional adjustments that may be approved on a case-by-case basis.

All parties recognize the need to be in compliance with the Fair Labor Standards Act.

It is the policy of the State of Minnesota to provide a flex-time scheduling for its employees so long as the individual schedules are consistent with the requirements of the Appointing Authority and the provisions of applicable collective bargaining agreements or schedules established pursuant to M.S. 43A.18, and do not adversely affect the Appointing Authority's ability to achieve its goals and objectives.

Under flex-time scheduling, employees may request an adjustment to their work schedule so long as it does not result in payment of overtime and is consistent with the requirements of law, collective bargaining agreements, schedules, and other agency policy.

Management retains the authority for approving, modifying, denying, or terminating individual schedules when, in management's judgment, they affect service to clients, or the operation of the agency, its divisions, offices, activities or work units.

If the Appointing Authority determines to discontinue flex-time schedules, the Appointing Authority shall discuss such change with the Association prior to implementation.

The Employer shall develop and implement Definitions and Schedules, subject to the availability of resources. Each Appointing Authority shall develop and implement Definitions and Schedules. Upon request of any exclusive representative in an agency, the Appointing Authority shall jointly meet and confer with the exclusive representative(s) and may include other interested exclusive representatives.

Definitions

BAND WIDTH is the specific period of each day within which flex-time schedules will be allowed. Example: The Lottery has established 6:00 a.m. as the earliest possible starting time and 7:00 p.m. as the latest possible ending time.

CORE TIME is the specific period of each day when all full-time employees are required to be at work. Example: For normal or flex-time work schedules, the core time is 10:00 a.m. to 2:30 p.m

FLEX-TIME means an alternative work schedule available to employees upon request and supervisory approval. Flex-time consists of recurring and predictable schedules, consecutive hours in each workday, and additionally, for full-time employees, the band width, the core time, and 80 hours of work over each two work week period (for exempt employees) and 40 hours of work each work week (for non-exempt employees).

NORMAL OFFICE HOURS are the hours each work day when the offices or services will be open and staffed to provide services to clients.

NORMAL WORK DAY Examples: Consists of eight consecutive work hours, exclusive of rest periods and lunch period; Consists of no more than 10 hours of work within a 24 hour period, exclusive of an unpaid meal period.

NORMAL WORK WEEK Day and time range of workweek. Examples: Consists of 40 hours of work and begins 12:00 a.m. Wednesday through 11:59pm Tuesday; For purposes of flex-time scheduling, shall start at the middle of the workday of Friday and continue through the middle of the workday of the following Friday.

WORK UNIT consists of a group of employees all of whom are immediately supervised by the same supervisor.

Schedules

Flex-time scheduling is designed to accommodate schedules which consist of the following:

1. Work schedules for full-time employees within the band width;
2. Work schedules for full-time employees which include the core time;
3. Work schedules for part-time employees which accommodate the needs of the work unit and the employee;
4. Unpaid meal, periods of 30 minutes, 45 minutes, or 60 minutes in length at approximately the midpoint of the work day.

Potential work schedules available under this flex-time policy and plan include, but are not limited to the following (each must total 80 hours in a biweekly pay period):

1. four days worked each week, ten hours worked each day;
2. four days worked with nine hours and one day worked with four hours each week;
3. four days worked with nine hours in one week; four days worked with nine hours and one day worked with four hours in the other week;
4. combinations of five workdays in each week that are between 6 and 9 hours in length.

Implementation

Work schedules of all employees will be posted, if required by collective bargaining agreement, or maintained by the Personnel Office and/or the immediate supervisor.

Any employee who is currently working on an approved flex-time schedule may continue that schedule unless management changes that schedule in accord with the provisions of the applicable collective

bargaining agreement. Any employee who wishes to change his/her current schedule should initiate the following procedures.

Procedure

1. The employee shall submit a written request for a specific schedule to his/her immediate supervisor at least fourteen (14) calendar days prior to the date the new schedule would go into effect, if approved.
2. The immediate supervisor shall review the request and determine to approve or deny the request taking into consideration at least the following factors:
 - a. Benefits to be gained as outlined in the above policy statement;
 - b. Adverse effects which might result from the requested schedule;
 - c. Requests for flex-time schedules from other employees of the work unit;
 - d. Duties and responsibilities of the employee's position and whether they can be effectively and efficiently performed during the requested schedule;
 - e. Level of staffing and supervision necessary at various times of the work day and week to ensure that the work unit's activities are accomplished effectively and efficiently;
 - f. Level and quality of service provided to the work unit's customers;
 - g. Schedule of other employees within the activity area, office, division or agency with whom the requesting employee or the work unit must coordinate activities;
 - h. Additional costs or liabilities to the agency which would result from the requested schedule; and/or
 - i. Any other considerations as appropriate to the work unit.
3. If there are conflicting requests from employees and the needs of the work unit require that not all requests may be approved, the supervisor will approve (if all other factors indicate approval) the request submitted by the employee with the most state seniority. Should conflicts still exist, they will be resolved by lot. No request may be unreasonably denied.
4. The immediate supervisor will provide the employee with written notice and explanation of the decision regarding their schedule request within seven (7) calendar days of receipt of the request. A copy of the supervisor's decision must be provided to the Personnel Office. If a request for a flex-time schedule is denied, the Appointing Authority shall provide the employee the reason(s) for the denial of the flex-time schedule request.
5. An employee shall receive association representation, if requested, for their work schedule, including, but not limited to, meetings to discuss their work schedule and changes to their work schedule.

Work Schedule Changes

Management initiated changes in an employee's schedule will be made in accord with applicable collective bargaining agreements or schedules, provided that an employee will be given written notice of the change at least fourteen (14) days in advance of the effective date.

Employee initiated requests for a schedule change will be in accord with the procedure contained in this document provided that an employee's request to change their approved work schedule will not be approved if it would adversely affect the approved schedule of another employee.

Upon mutual agreement of the immediate supervisor and the employee, an employee's schedule may be altered for a duration of no more than fourteen (14) consecutive calendar days at a time without regard to the above provisions.

Appeals

An employee may appeal with the right to association representation the decision of an immediate supervisor to deny, modify or revoke a flex-time schedule to the second level supervisor who shall respond in writing and, if not resolved, to the division head or designee who shall respond in writing. The decision of the division head or designee is final and may not be grieved under the grievance provisions of the applicable collective bargaining agreement or schedule unless the action giving rise to the appeal is a violation of a specific provision of that collective bargaining agreement or schedule.