

CHAPTER 7

HOURS OF DUTY

Section I - Weekly and Daily Scheduling of Work

1-1. **General.** The Adjutant General is responsible for administering work scheduling policies and programs for the Alabama National Guard. This chapter, Appendix 7, and the Labor-Management Agreements outline the work scheduling policies and programs.

1-2. **Definitions.**

a. **Administrative Workweek.** Administrative workweek means a period of seven consecutive calendar days designated in advance. The administrative workweek begins at 0001 hours Sunday and ends at 2400 hours on the following Saturday. The calendar day on which a shift begins is considered the day of duty even though the work schedule extends into the next calendar day or the following administrative workweek.

b. **Basic Workweek.** The normal basic workweek is established as a minimum of 40 hours, 8 hours per day, Monday through Friday. Alternate work schedules have been approved by The Adjutant General. Except in cases of emergency, advance notice will be given for a change in schedule.

c. **Uncommon Tour of Duty.** Uncommon tour of duty is any 40 hour basic workweek scheduled to include Saturday and/or Sunday, or fewer than five but not more than six days of the administrative workweek. Whenever possible, two consecutive days off will be provided in each administrative workweek. As a minimum, one regular day off will be provided, preferably Sunday.

d. **Lunch Periods.** Lunch periods, during which the technician is entirely free of duty in connection with his job, are not considered duty time and are not included in the hours established for the daily hours of duty.

e. **Rest Periods.** Rest periods, not to exceed 15 minutes during each four hours of continuous work, are considered duty time. Any other rest periods must be charged to the appropriate type of leave. The rest period will not be a continuation of the lunch period.

f. **Holiday Work.** Work which is performed on a legal Federal holiday or the day observed in lieu of the holiday.

g. **Overtime Work.** Overtime work is work performed in excess of the basic 40-hour workweek or an eight hour day, which has been authorized and approved in advance. No overtime pay will be authorized. If appropriate, compensatory time will be authorized for overtime worked.

h. **Make Ready and Clean-up Time.** Incidental duties that are directly connected with the performance of a job, such as obtaining and returning working tools or materials, undergoing inspections, and similar tasks, are considered a part of the job requirements within the established tours of duty. When work shifts overlap, the shifts will be arranged to allow the time required for incidental duties to be a part of the regular workday.

Section II - Official Time for Labor Organization Representatives

2-1. **Official Time.** The Employer recognizes the need for and appropriate use of official time. Union officers and officials, including stewards, shall be permitted reasonable time during working hours, without loss of leave or pay, to effectively represent bargaining unit technicians in accordance with this agreement.

2-2. Appropriate Uses of Official Time.

a. Official time will be granted in the following manner. The Labor Organization representatives will notify their immediate supervisor and obtain concurrence prior to leaving their assigned area. Unless the mission of the section cannot be accomplished without the presence of that representative, the supervisor will concur with the request. The supervisor may delay the representative for only the length of time that the mission requires the presence of that representative.

b. Time for representation functions is applicable but not limited to the following situations and conditions in any amount that the Employer and the Union agree to be reasonable, necessary, and in the public interest:

(1) All negotiations, and appropriate preparations therefore,

(2) Reasonable time for receiving, investigating, preparing and presenting a complaint, grievance, or appeal,

(3) Reasonable time for a Union observer of a complaint, grievance, or appeal action,

(4) Meetings between Management and Union representatives, and

c. Travel time to and from pre-arranged meetings with The Adjutant General or other Management officials is official time. In accordance with applicable Joint Travel Regulations (JTR), the Labor Organization representatives will receive full travel and per diem allowances when these meetings are scheduled out of the representative's immediate area.

2-3. **Representative Training.**

The Labor Organization is authorized official time for training of shop stewards. Each executive board member or designee shall be authorized official time for labor organization sponsored training, or outside training programs. It is understood that this training will be of mutual concern to Management and the employee as a representative of the Labor Organization.

2-4. **Civilian Attire.**

a. A Union officer or steward has the option of wearing civilian attire during the specific times/events set out below in items 1 through 5. Should the Union officer or steward exercise this option for items 1 through 5, reasonable time will be allowed to change clothes before and after such times/events:

- (1) When in an official time status performing representational duties,
- (2) When representing the Union or appearing as a witness in a third party proceeding,
- (3) While representing the Union on a committee established by the Employer,
- (4) While serving as a member of the negotiating team, and
- (5) When attending a Union-sponsored training session.

b. Employees in the Bargaining Unit will not be required to wear the military uniform while processing a grievance at any step of the negotiated grievance procedure. The parties agree that in these situations the employees are not performing their assigned technician duties.

2-5. **Coding of Time and Attendance Records for Official Time.**

a. Supervisors will use the following time and attendance codes to document official time for union representatives:

- (1) BA—Term Negotiation
- (2) BB—Mid Term Negotiation
- (3) BD—Labor/Management Meetings
- (4) BK—Grievance and Appeals

b. The listed codes above will be reflected as hours worked with appropriate hours, and the codes placed in the Env/Oth block on the Time and Attendance Records.

c. Tracking of Official Time for Labor officials is required by the Office of Personnel Management.

Section III - Holidays

3-1. **Identification of Holidays.** The following days are treated as holidays for purposes of pay and leave for National Guard Technicians:

New Year's Day	First day of January
King's Birthday	Third Monday of January
Washington's Birthday	Third Monday of February
Memorial Day	Last Monday of May
Independence Day	Fourth day of July
Labor Day	The first Monday of September
Columbus Day	The second Monday of October
Veterans Day	The eleventh day of November
Thanksgiving Day	The fourth Thursday of November
Christmas Day	The twenty-fifth day of December

Any other day designated as a holiday by Federal Statute or Executive Order.

3-2. **Holiday Falls on a Workday.** When a holiday falls on a workday in a technician's basic workweek that workday is his or her holiday.

3-3. **Normal Monday thru Friday Basic Workweek.** For a normal Monday thru Friday basic workweek the following rules apply:

- a. If the holiday falls on a Saturday, the holiday is observed on the preceding Friday.
- b. If the holiday falls on Sunday, the holiday is observed on the following Monday.
- c. For a compressed work schedule the following rules apply:

(1) If the holiday falls on a Sunday, the first regularly scheduled workday following the Sunday holiday is the technicians "in lieu of" holiday.

(2) If the holiday is not a Sunday, the last regularly scheduled workday preceding the holiday is the technician's "in lieu of" holiday.

Section IV - Administrative Dismissals of Employees

4-1. General Authority.

a. **Closing an Activity.** The Adjutant General has the authority to close an activity for brief periods, normally not to exceed three consecutive workdays for any single period, whenever the circumstances or situation warrant such action. Examples of reasons for closing are:

(1) Interruption of normal operations of an establishment by events beyond the control of management or technicians such as emergency conditions due to climatic conditions, hurricanes, floods, severe storms, or the break down of transportation facilities.

(2) For managerial reasons when the closing of an establishment or portions thereof is required for short periods of time for such matters as lack of material, breakdown of equipment, or power failure.

(3) For a local holiday when Federal work may not properly be performed.

b. **Releasing Employees.** The Adjutant General at his discretion may release employees when it is in the public interest to relieve employees from work to participate in civil activities which the Government is interested in encouraging, such as voting, or blood donations.

4-2. **Effect of Dismissal.** When group dismissals occur by reason of closing an activity or by releasing employees in the public interest, employees affected by these actions are generally excused without charge to leave and without loss of pay and may in some circumstances be placed on annual leave.

Section V - Adjustment of Work Schedules for Religious Observances

5-1. **Description.** To the extent that modifications in work schedules do not interfere with the efficient accomplishment of an agency's mission, an employee whose personal religious beliefs require that he or she abstain from work at certain times of the workday or workweek must be permitted to work alternative work hours so that the employee can meet the religious obligation. The hours worked in lieu of the normal work schedule do not create any entitlement to premium pay (including overtime pay).

5-2. **Employee Coverage.** Adjustments of work schedules for religious observances may be approved for an employee who is employed in or under an executive agency, as defined in section 105 of title 5, United States Code.

5-3. **Approval.**

a. Agencies should require employees to submit a written request for an adjusted work schedule in advance. An employee should specifically state that his or her request for an adjusted work schedule is for religious purposes and should provide acceptable documentation of the need to abstain from work.

b. When deciding whether an employees request for an adjusted work schedule should be approved, a supervisor should not make any judgment about the employees religious beliefs or his or her affiliation with a religious organization. A supervisor may disapprove an employees request if modifications of an employees work schedule would interfere with the efficient accomplishment of the agency's mission.

c. If an employees request is approved, a supervisor may determine whether the alternative work hours will be scheduled before or after the religious observance.

5-4. **Documenting An Adjusted Work Schedule.**

a. An employees request for time off should not be granted without simultaneously scheduling the hours during which the employee will work to make up the time. This provides a clear record of the employees adjusted work schedule. An employee should be allowed to accumulate only the number of hours of work needed to make up for previous or anticipated absences from work for religious observances.

b. If an employee is absent when he or she is scheduled to perform work to make up for a planned absence for a religious observance, the employee must take paid leave, request leave without pay, or be charged absent without leave, if appropriate. These are the same options that apply to any other absence from an employees basic work schedule.

5-5. **Impact on Pay.** The overtime pay provisions of title 5, United States Code, and the Fair Labor Standards Act of 1938, as amended, do not apply to employees who work different hours or days because of religious observances, even if an employee voluntarily works in excess of 40 hours per week or 8 hours per day for this purpose. If an employee is separated or transferred before using the time set aside for religious observances, any hours not used must be paid at the employees rate of basic pay in effect when the extra hours of work were performed.