046 WORK SCHEDULES AND COMPENSATION

046.4 Flex/Alternative Work Schedules Policy

046.4.1 Purpose

The purpose is to define alternative work schedules and establish approval procedures for Human Services Department (HSD) employees considering a flex/alternative work schedule.

046.4.2 Definitions

A. “Flex Work Schedule” or “Alternative Work Schedule” means an authorized schedule between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday with a minimum 30-minute lunch period between 11:00 a.m. and 2:00 p.m. each day. Saturdays or Sundays are not authorized to be part of a flex/alternative work schedule. A request for or an assignment resulting in an occasional variance in the workday and/or overtime is not considered an alternative work schedule.

B. “Employee” means a person employed by HSD in a permanent, term, temporary, or emergency situation.


D. “Normal work day” means 8:00 a.m. to 5:00 p.m. with one hour for lunch (12:00 noon to 1:00 p.m.) Monday through Friday.

046.4.3 Policy

HSD is dedicated to providing timely and quality services to its clients and the public in an effective and efficient manner. HSD will consider flex/alternative work schedules for its employees only to the extent such schedules do not detract from that purpose.

046.4.4 Employee Eligibility

Approval of flex/alternative work schedules will be based upon the following employee eligibility requirements:
1. completed probationary period;
2. no job performance deficiencies associated with an alternative work schedule;
3. satisfactory attendance and timeliness;
4. received no written disciplinary actions in the past twelve months.

**046.4.5 Conditions**

A. Access and full coverage for a normal work day will be assured for any organizational unit unless approved otherwise by HSD’s Secretary, or Deputy Secretary if so designated by the Secretary.

B. Requests for flex/alternative work schedules shall not be unreasonably denied or rescinded.

C. Flex/Alternative work schedules will not require or result in more overtime than would be accrued under a normal work schedule in order to accomplish work assignments.

D. FLSA-covered employees cannot have a flex/alternative work schedule of more than 40 hours per week.

E. Management has the right to restrict start times of flex/alternative work schedules to specific times of the year based on organizational needs.

F. The State of New Mexico Worker’s Compensation Program will cover the employee only during their authorized work schedule.

G. Participating in the Flex/Alternative Work Schedule Program is voluntary.

H. Participation in the Flex/Alternative Work Schedule Program can be rescinded or denied at the sole discretion of management for valid reasons including but not limited to operational needs, workload, and employee performance.

I. In the case of a state-declared emergency or under direction from the Office of the Governor or the State Personnel Office, the HSD Secretary can modify the terms and conditions of alternative work schedules.

**046.4.6 Alternative Work Schedules and Van or Car Pooling**

A. The fact that an employee is participating in a car or van pool does not imply automatic approval of a requested flex/alternative work schedule.

B. Job requirements take precedence over flex/alternative work scheduling. An employee may not refuse to perform assigned duties because of the departure of his/her car or van pool.
C. A car or van pool driver has no authority to alter the authorized flex/alternative work schedules for employees riding in a car or van pool. Any change, whether temporary or permanent, to the car or van pool’s existing schedule does not imply automatic approval of a requested alternative work schedule.

D. If car or van pool riders desire to leave earlier than the end of the scheduled day, the employee must secure permission from his/her supervisor and take annual leave for that time. Flex/Alternative work schedules requested for purposes of commuting must adhere to the general standards set forth in this policy.

**046.4.7 Responsibilities of Managers and Supervisors**

A. Managers and supervisors must make sure that their units are adequately staffed, including establishing a supervisory chain of command for all employees authorized for flex/alternative work schedules.

B. Whenever it becomes necessary to cancel, suspend or adjust a flex/alternative work schedule, two weeks notice will be provided unless compelling or emergency circumstances require a shorter notice period.

C. The supervisor shall not change the workweek to avoid payment of overtime. A supervisor shall not change the length of an employee’s work day to avoid the payment of overtime without the employee’s consent.

D. Collective Bargaining Agreements and FLSA will be adhered to in terms of timing, selection, overtime and process.

**046.4.8 Responsibility of Employees**

A. Employees should make sure that their clients and others concerned are aware of their flex/alternative work schedules and of any changes in those schedules.

B. Employees may be required to adjust their schedule to participate in relevant meetings or trainings during the department’s standard business hours (Monday through Friday, 8 AM to 5 PM).

C. Employees have the right to return to the standard work schedule by notifying their supervisor with reasonable advance notice.

**046.4.9 Exceptions to the Policy**

When an employee is unable to meet the eligibility requirements and in extenuating circumstances, the HSD Secretary, at his or her discretion, may grant an employee an exception to this policy if the supervisor recommends an exception, the Division Director agrees, the quality and quantity of the employee’s work does not decline, and if the
exception will not cause a disruption to the productivity and work flow of the agency or division.

046.4.10 References

HSD Overtime Policy
Collective Bargaining Agreement
Fair Labor Standards Act

APPROVED:

PAMELA S. HYDE, J.D., Secretary

DATE:

11/13/07