

<p align="center"><b>GEORGIA DEPARTMENT OF JUVENILE JUSTICE</b></p>	<p align="center">Transmittal # 15-15</p>	<p align="center">Policy # 3.30</p>
<p>Applicability:  {x} All DJJ Staff  {x} Administration  {x} Community Services  {x} Secure Facilities (RYDCs and YDCs)</p>	<p>Related Standards &amp; References:  Fair Labor Standards Act of 1938, as amended  U.S. Department of Labor Regulation 29 C.F.R. Chapter V  Christensen v. Harris County (U.S. Supreme Court)  Office of Planning and Budget/State Personnel  Administration: Rules, Regulations and Procedures  Governing Working Hours, the Payment of Overtime and the  Granting of Compensatory Time (January 1, 2009)  DJJ 3.31</p>	
<p>Chapter 3: PERSONNEL</p>	<p>Effective Date: 12/9/15  Scheduled Review Date: 12/9/16</p>	
<p>Subject: WORK HOURS</p>	<p>Replaces: 4/15/12  Department of Human Resources</p>	
<p>Attachments:  A – DJJ Time Record  B –Four 10-hour Days Work Schedule Agreement  C – Alternating Weekday Off Schedule Examples and  Sample Calendars  D –Alternating Weekday Off Work Schedule Agreement</p>	<p>APPROVED:</p>  <hr/> <p>Avery D. Niles, Commissioner</p>	

**I. POLICY:**

Supervisors shall establish employee work schedules that provide adequate staffing to accomplish the mission of the Department. Supervisors shall ensure that employees account for no less than the minimum scheduled work hours by being on duty, utilizing approved paid leave, or being on authorized/unauthorized leave without pay.

**II. DEFINITIONS:**

**Break Periods:** Short periods of time of 15 minutes or less during which a supervisor may allow employees to stop working during their scheduled work time. Break periods are not mandatory, but may be authorized at the discretion of a supervisor. Break periods are considered work time, and as such may not be used to shorten the workday or extend a meal period.

**Fair Labor Standards Act of 1938, as amended (FLSA):** The federal law which regulates minimum wage rates, maximum work hours, overtime pay requirements, equal pay standards, and age discrimination restrictions for covered employers and employees.

**Flex Time:** A work schedule that allows an employee to observe a schedule with various starting and ending times scheduled around required core work hours.

**Meal Period:** An unpaid, uninterrupted period of time of 30 minutes or more during which non-exempt employees perform no work duties. Meal periods are not considered work time.

**Time Worked:** All time an employee is required to be on duty at designated work places, as well as all time the employee is “suffered or permitted” to work. This includes all time that the supervisor knows or has reason to know that the employee has worked, whether or not the employee was asked or required to work during that time.

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**Work Period:** For most employees, a fixed period of 7 consecutive 24-hour periods (168 hours), which may begin on any day and at any time. Law enforcement (P.O.S.T certified) employees may have a work period from 7 to 28 calendar days.

### III. PROCEDURES:

#### A. Standard Office Hours:

1. The standard office hours of the Department are from 8:00 a.m. to 5:00 p.m., Monday through Friday. All offices should be open and adequately staffed during these hours unless administratively unfeasible.
2. The Assistant Commissioner, Deputy Commissioner, Central Office Director, or his/her designee may establish modified office hours to facilitate the provision of services consistent within the mission of the agency

#### B. Employee Work Schedules:

Supervisors will develop employee work schedules to ensure that staff coverage is adequate to accomplish the work of the unit.

#### C. Non-exempt employees who exceed their scheduled work hours will be compensated in accordance with DJJ 3.31, Fair Labor Standards Act.

#### D. Work Periods:

1. Each employee, including part-time and hourly employees, must have an established, permanent work period. The day of the week and the time that the work period begins and ends must be specified in writing. When one work period ends, the next work period will immediately begin.
2. Any change or deviation from such cycles must be approved in advance by the Director of Human Resources or designee.
3. Employees in the same organizational unit may have different work periods.
4. Employees, with the exception of those performing law enforcement functions (i.e., P.O.S.T. certified employees) will be scheduled to work based upon a specified 7-day work period.
5. Designated law enforcement (P.O.S.T certified) employees typically will be scheduled to work based either on a 24, 27, or 28 day cycle.

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E. Breaks and Meal Periods:

1. At their discretion, supervisors may permit employees to have no more than two 15-minute break periods per day. These short break periods will be considered compensable work time and may not be used to begin the workday later, end the workday earlier, or extend meal periods.
2. The Fair Labor Standards Act (FLSA) does not require employers to provide employees with a meal period. With the exception of those performing law enforcement functions (i.e., P.O.S.T. certified employees), the Department generally permits employees to have a 30 to 60 minute unpaid meal period each day. Meal periods, as applicable, may be scheduled at the discretion of the supervisor. Meal periods may not be used to begin the workday later or end the workday earlier.
3. For non-exempt employees, meal periods must provide an uninterrupted period of at least 30 minutes during which the employee performs no work duties. Non-exempt employees are prohibited from observing meal periods at their workstations to ensure that no work is being performed during the meal period.
  - a) Law enforcement (P.O.S.T. certified) employees whose schedule includes a shift briefing will be required to include the amount of scheduled shift briefing time in their leave requests (For Example: 15-minute shift briefings will require the use of 8 hours and 15 minutes of leave).
  - b) Employees will only be required to use the amount of leave necessary to cover the minimum scheduled work hours. Leave over-charges will be credited back to the employee's leave balance. (For Example: An employee who uses 8 hours of sick leave and works 36 hours in his/her 7-day work period will be credited 4 hours of sick leave.)
4. Holidays:
  - a) State holidays occurring on a designated workday will result in an 8-hour absence.
  - b) Employees with a 9 or 10 hour work day who are scheduled to work a holiday must make up the one- or two-hour difference for each holiday worked by:
    - (1) Utilizing previously accumulated holiday time;
    - (2) Utilizing FLSA compensatory time;
    - (3) Utilizing annual or personal leave;

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- (4) Utilizing State compensatory time; or
  - (5) Adjusting their work schedule to make up the additional one or two hours during the workweek in which the holiday(s) occurred.
- c) Law enforcement (P.O.S.T. certified) employees whose schedule includes a shift briefing and who are off on the state holiday will be required to make up the difference by:
- (1) Utilizing accumulated holiday time;
  - (2) Utilizing FLSA compensatory time or previously;
  - (3) Utilizing annual or personal leave;
  - (4) Utilizing State compensatory time; or
  - (5) Adjusting their work schedule to make up the additional time during the work period in which the holiday(s) occurred.
- d) Employees whose scheduled off day falls on a holiday will be granted 8 hours off on another day within that work period, if possible. If workload levels require the employee's presence at work the entire work period, he/she should be granted 8 hours off during the next work period. If time off cannot be granted in either work period, the personnel representative will credit the employee with 8 hours of holiday compensatory time in PeopleSoft.

F. Time Worked:

1. General

- a) Employees will report all time worked on the designated time sheet (Attachment A, DJJ Time Record) or through proper use of a Departmental timekeeping system.
- b) Non-exempt employees must obtain prior authorization to work overtime. Non-exempt employees who work without appropriate authorization must be compensated for such work, but may be subject to disciplinary action up to and including termination.

2. Meal Periods

- a) Meal periods are not required by FLSA or any other applicable law, rule, or regulation, but will be provided to employees as a matter of practice.

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- b) Bona fide meal periods will not be considered work time as long as the following conditions are met:
    - (1) The employee is completely relieved from duty and able to observe an uninterrupted meal period; and
    - (2) The period is long enough to allow the employee to use it for eating a meal (i.e., 30 consecutive minutes).
  - c) If a non-exempt employee is interrupted to perform work duties during his/her meal period, the entire meal period will be considered work time and will be compensated in accordance with DJJ 3.31, Fair Labor Standards Act.
  - d) Non-exempt employees are not permitted to observe meal periods at their workstations.
3. Time spent in meetings and training will be counted as work time, unless all of the following criteria are met:
- a) Attendance occurs outside the employee's regular working hours;
  - b) Attendance is voluntary;
  - c) The program, meeting, or lecture is not directly related to the employee's job; and
  - d) The employee performs no productive work related to his/her job while attending.
4. Travel Time:
- a) Travel time to and from work will not generally be considered work time.
  - b) Travel time to work assignments (including training) within a reasonable commuting distance from the employee's primary work site will be considered normal travel time and will not be considered work time. If an employee must stop at the primary work site to obtain instructions, equipment or material prior to traveling to an assigned work site, the travel time between the primary work site and the work assignment will be considered work time.
  - c) Time spent by an employee in travel, as part of the employee's principal activity, such as travel from job site to job site during the workday, will be considered work time.

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5. On-call Time:

- a) Employees required to remain on call on the Department's premises, or so close to the premises that the time cannot be used for the employee's own purposes, will be considered work time.
- b) All time spent actually performing work while "on-call" will be considered work time.
- c) If an employee is "on-call" and calls are so frequent or conditions are so restrictive that the employee is not able to use the free time while "on-call" effectively for personal benefit, the time must be considered work time.
- d) An employee who is "on-call" but is free to engage in personal activities will not be considered working while "on call," even if the employee is required to leave a valid phone number or other mechanism that enables the supervisor to contact him/her. This time will not be considered time worked and will not be compensable.

G. Flex Time:

- 1. Supervisors may authorize flexible work schedules (flex time) that allow an employee to observe a schedule with varied starting and ending times provided that the employee works during core work hours as established by the work unit.
- 2. Supervisors must ensure that the use of flextime does not adversely impact the unit's ability to achieve its goals and objectives. Staffing must be adequate to meet the needs of each individual work unit.

H. Alternative Work Schedules:

1. Four 10-Hours Day Schedule:

- a) Supervisors may authorize a schedule that allows employees to work four 10-hour days during their specified 7-day work period. The supervisor and employee must sign the Four 10-Hour Days Schedule Agreement. (See Attachment B)
- b) Employees on a four 10-hour workday schedule may have a permanent or rotating day off each week.
- c) Employees on a four 10-hour workday schedule must have a minimum of a 30 minute unpaid meal period.

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2. Alternating Weekday Off Schedule: (See Attachment C, Alternating Weekday Off Schedule Examples and Sample Calendars)

- a) Supervisors may authorize a schedule that compresses 80 work hours in 2 separate work weeks into 9 rather than 10 work days (i.e., eight 9-hour days and one 8-hour day split into two 4-hour work segments). The employee and supervisor must sign the Alternating Weekday Off Schedule Agreement. (See Attachment D)
- b) If a non-exempt employee is placed on an alternating weekday off schedule, it will be necessary to adjust the established work period to ensure compliance with the Fair Labor Standards Act.
- c) Employees on the alternating weekday off schedule will receive an additional day off every other week. The day selected to begin the workweek will become the employee's biweekly day off. For this schedule, it is recommended that Fridays and Monday serve as the designated off days.
- d) Employees on an alternating weekday off schedule must have a minimum of a 30-minute unpaid meal period.

3. Leave Usage:

- a) Employees on alternative work schedules are encouraged to use their designated day off for personal business, scheduled medical/dental appointments, etc. Due to the decreased number of employees scheduled to work on each day, additional planned and unplanned absences can adversely affect the productivity of the unit and the delivery of department services.
- b) Full day absences will require an employee to use 8, 9, or 10 hours of leave, depending upon the number of hours in his/her regularly scheduled workday.

**IV. LOCAL OPERATING PROCEDURES REQUIRED: NO**