



## MEMORANDUM

TO: LRAC

FROM: Michael P. Duco, Interim Deputy Director

DATE: April 23, 2008

RE: Time and Attendance Clarification for Bargaining Unit Employees

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Many questions have arisen regarding the impact of the February 5, 2008, Time and Attendance guidelines on the collective bargaining agreements. The Office of Collective Bargaining is issuing this clarification in order to assist your agency in addressing questions from your local unions.

Under the Time and Attendance guidelines, an agency may offer alternative work schedules once it has ensured that it is adequately staffed from 8 a.m. to 5 p.m. Flextime, which is defined in the guidelines as modifications of day to day schedules, may be offered as an option to employees under agency policy. The guidelines authorize compressed workweek schedules only when a specific business process or operational need warrants such a schedule. Compressed workweeks are not authorized to satisfy employee's personal circumstances.

These guidelines do not in any way modify pre-existing provisions of collective bargaining agreements regarding flextime and/or compressed workweek schedules. Thus, if implementation of these guidelines would result in a change in agency policy, reference to relevant collective bargaining agreement requirements associated with schedule changes must be followed. In particular, schedules for OCSEA employees who work in seven (7) day operations may not be changed without a fourteen (14) day notice. The OEA agreement requires a seven-day notice for any change to the employee's regular schedule. The FOP agreement requires a four-week notice for schedule changes. The OSTA agreements have differing requirements based on classification. Agencies should bring employee schedules into compliance with these guidelines but should do so in a manner that follows collective bargaining agreement requirements.

Special care should be taken with respect to employees under the SEIU/District 1199 collective bargaining agreement. Under Section 24.10, flex time schedules can only be changed for a rational management purpose. Additionally, compressed workweek schedules are permitted, but the agency must do a position-by-position analysis to determine if such a compressed workweek satisfies operational needs. If operational needs are satisfied, the employee shall be permitted to work a compressed workweek. Again, the guidelines should be implemented whenever possible but must only be implemented in a manner which is consistent with existing collective bargaining agreements.