

# Professional Aviation Safety Specialists, AFL-CIO Contract Representative Training



## ► Schedules and Leave Planning (ATO)

# Article 32: Traditional Work Schedules

## ► Section 1.

- Applies to full-time employees normally working a traditional work schedule, Monday through Friday, 8 ½ hour day, unpaid meal break, between the hours of 6:00 am and 6:00 pm, and Saturday and Sunday as their Regular Days Off (RDO).
- If the Agency has work requirements that must be performed outside of the traditional work schedule and occurs more than once per week on a regular recurring basis, the employee(s) shall be considered assigned to a watch schedule and covered by Article 31.

# Article 32: Traditional Work Schedules

## ▶ Section 2.

- ▶ When employees are required to have varying start times, those qualified will have the opportunity to select their preferred work schedule in accordance with Service Computation Date (SCD) seniority, unless some other method is agreed to by the Parties at the local level.

## ▶ Section 4.

- ▶ Instead of a traditional schedule, an employee may elect to work an Alternate Work Schedule (AWS) as defined in Article 35.

## ▶ Section 6.

- ▶ Travel or training away from an employee's office shall not, in and of itself, justify suspension of an AWS. A temporary adjustment of an employee's work schedule, or the use of leave at the option of the employee may be appropriate.

# Article 32: Traditional Work Schedules

- ▶ Section 7.
  - ▶ In no event will denial or termination of AWS be used as a disciplinary measure.
- ▶ Section 8.
  - ▶ The agency shall make every effort to provide at least 7 days notice of a change in work schedule. Qualified volunteers will be solicited. If no volunteers, assignments will be made in a fair and equitable manner.
- ▶ Section 9.
  - ▶ The Agency shall approve shift exchanges and/or days off with qualified co-workers.

# Article 35: Alternate Work Schedules

- ▶ 2008: Court of Federal Claims, primarily concerned with if employees could receive compensatory time and credit hours. Dramatically impacted the availability of AWS when it allowed for work schedules exceeding 40 hours a week.
- ▶ March 2014: Court of Appeals for the Federal Circuit overturned and remanded. Finalized December 2015, freeing us up to expand AWS.
- ▶ Article 35, Section 3, of the 2012 PASS CBA contained a reopener which allowed us to negotiate once the courts issued a final decision.
- ▶ The return of AWS! We negotiated an MOU extending AWS for FLSA non-exempt employees.



# Article 35: Alternate Work Schedules

FLSA non-exempt:

- ▶ Compressed 4/10
- ▶ Compressed 5/4-9
- ▶ Compressed 50/30 (or 30/50)
- ▶ Flexible start time: Varied start time without changing length of day (8-, 9- and 10-hour days). The starting times must be approved in advance.
- ▶ Flexible work schedule: Non-traditional work schedule as defined in HRPM LWS-8.15, par. 6(b). Not available to: 1) employees assigned to a work schedule defined in Article 31 and 2) FV-2101 employees assigned to an SSC (ultimate flexibility doesn't conform with work requirements in these examples. Compromise was 50/30.)



# Article 35: Alternate Work Schedules

FLSA exempt:

- ▶ Compressed 4/10
- ▶ Compressed 5/4-9
- ▶ Flexible work schedule: Non-traditional work schedule as defined in HRPM LWS-8.15, par. 6(b).



# Article 32: Alternative Work Standard

Article 32, Section 4: AWS is an entitlement that cannot be denied unless agency shows adverse agency impact:

- ▶ Reduction of the level of productivity of the Agency;
- ▶ Diminished level of service furnished to the public by the Agency; or
- ▶ Increase in the cost of Agency operations.





# Article 40: Annual Leave

- ▶ Section 2.
  - ▶ Annual leave may be requested and approved/disapproved either in person, electronically or by telephone.
  
- ▶ Accrual provided in Section 3
  
- ▶ Section 7. Annual Leave Planning Process
  - ▶ Annually, after developing watch/work/aircrew schedule, the Agency will identify annual leave opportunities throughout the upcoming leave year (considering training assignments and workload). The Union will be provided an advanced copy of the ALP Schedule and given an opportunity to discuss concerns prior to the Agency's decision to finalize the ALP Schedule.

# Article 40: Annual Leave

- ▶ Based on seniority (SCD), employees will select up to 21 contiguous days of leave (not to be canceled to the maximum extent possible).
  - ▶ This process is repeated for employees to select up to 14 days and will continue a 2<sup>nd</sup> time of 14 days until planned leave is scheduled.
  - ▶ The final copy of the ALP Schedule shall be posted.
  - ▶ This ALP process shall be completed at least one full pay period prior to the beginning of the leave year.
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- ▶ Section 8.
    - ▶ Other requests for (spot) annual leave should be submitted with at least 10 days notice if possible. If requested, the employee shall be given a decision within five (5) working days of the request.



# Article 40: Annual Leave

- ▶ Request with less than 10 days advance notice, decision as soon as possible.
- ▶ Requests for same day or period, resolved based on seniority.
- ▶ Section 9.
  - ▶ Requests to cancel annual leave with twenty-four (24) hours' notice shall be granted.
- ▶ Section 11.
  - ▶ Employees on annual leave who become sick can convert the annual leave to sick leave.



# Article 40: Annual Leave

- ▶ Section 13.
  - ▶ The Agency agrees to assist the employee in identifying alternative dates for the employee to use his/her use or lose annual leave before the end of the leave year. If sufficient dates cannot be granted, the Agency will consider if the circumstances in total warrant consideration of leave restoration.
- ▶ Section 14.
  - ▶ No employee will be forced to take annual leave.
- ▶ Section 15.
  - ▶ Employees shall not be required to provide reasons for annual leave requests.

