



# Alternative Work Schedules and Flexible Work Hours Report

2021



Department of  
Civil Service

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## EXECUTIVE SUMMARY

Legislation passed in January of the 2017-18 legislative session and amended in June 2018 requires the President of the Civil Service Commission to publish a triennial report on Alternative Work Schedules and Flexible Work Hours at New York State agencies. An amendment to the legislation focused on specific requirements for the report, attached as [Appendix A](#).

Civil Service Law section 7(7) requires the report to include information relating to current programs within State agencies that allow for alternative work schedules (AWS) or flexible work hours (flextime). The report has four sections: (1) details on current programs and their use, including plans agencies may have for altering schedule options; (2) positive and negative experiences for agencies in utilizing those schedules; (3) whether legal or practical reasons affect the ability to offer such schedules; and (4) select agency profiles on alternative work schedules and flexible work hours programs in practice.

To effectively identify and evaluate the use of such programs, the Department of Civil Service (Department) issued a survey to personnel and human resources directors at approximately 100 New York State agencies and facilities. The survey was issued to agencies in May of 2021 and responses were received over a period of two months. The survey focused on the identification of current schedule modification programs and trends in relevant work practices. Subsequent in-depth analyses were conducted based on select *agencies and facilities'* (agencies) responses to determine impact on business operations and employee experience.

Similar to the inaugural report, the Department found regular use of both alternative work schedules and flexible work hours at a variety of agencies, though flexible work hours programs are less common. Agencies whose representatives responded to the survey reported benefits to both business operations and to employees. Flexible work arrangements allow these agencies to meet mission critical objectives and cover more business hours while responding to employee needs and remaining efficient. However, some agencies indicated that scheduling or predicting adequate staffing levels can be difficult and that ensuring administrative oversight can be challenging.

For some agencies, the nature of the work restricts their ability to offer schedule modifications of either type, but a majority offer some form of alternative work schedule, the most common being the compressed work week.

While there is varied use and interpretation of schedule modification types at state agencies, the review of the current programs and experiences confirms that flexibility in work scheduling practices is generally valued by agencies and employees. Although no one type of flexible work schedule will satisfy all business requirements or meet every individual need, the ability to offer flexible options provides an opportunity to improve outcomes for agencies and employees.

## BACKGROUND

State agencies pursue operational efficiency using various strategies, with the common goal of maximizing and improving service quality. Balancing the equally important goals of service quality with employee satisfaction can be challenging. Alternative work schedules and flexible work hours can assist agencies in meeting both these goals.

Executive Order (EO) No. 68, issued in 1978, was the guiding principle for the establishment of alternative and flexible scheduling programs. (Attached as [Appendix B](#)). EO 68 placed responsibility on the Department for advising agencies on implementation and compliance, as well as preliminary and ongoing review of proposed programs. While EO 68 is no longer in effect, the state continues to support the practice of alternative work schedules and flexible work hours in agencies where its use increases productivity and efficiency of operations; enhances the delivery and availability of services; encourages qualified individuals to apply for employment with state government; improves morale; and decreases work absences or lateness.

To facilitate the development and practice of alternative work schedules (AWS) and flexible work hours (flextime), the Department, in conjunction with the Governor's Office of Employee Relations (GOER), currently provides agencies with guidance around required procedures for proposing, approving and implementing an AWS or flextime program. These procedures can be found on the Department's website, attached as [Appendix C](#).

### Definitions

As the procedure for establishing work schedule modifications changed over time, so did the terminology. AWS and flextime schedules were once defined interchangeably, and flextime was long considered a type of AWS as well as a synonym for it (Appendix C). With the recent legislation, agencies have been provided with statutory definitions for both terms which are detailed below. Analysis on current programs in use at State agencies reveals that a level of informality in interpreting the terminology still exists, presenting a potential opportunity for education and the establishment of consistent standards and practices.

Civil Service Law (CSL) section 7(7) defines AWS or flextime as ongoing schedule modifications that apply to more than one employee in a described business unit. This does not include Voluntary Reduction in Work Schedule (VRWS) agreements or individualized work schedules.

**Work Schedules** are considered a combination of the following elements as defined by the New York State Attendance and Leave Manual: The basic workweek; the normal workday; and meal and rest periods.<sup>1</sup>

**Alternative Work Schedules (AWS)** are of four types: Staggered hours; compressed workweek; compressed pay period; and part-time employment. While part-time employment is considered a type of AWS, it is not subject to the same approval procedures as outlined in the Department's Attendance and Leave manual, and is therefore not detailed below. It should also be noted that employee participation in an AWS does not affect or imply a change to the employee's overtime eligibility status.

**Staggered hours:** With a staggered hours schedule, employees are assigned fixed intervals for their workday starting and ending times, resulting in overlapping schedules of predetermined hours. Staggered hours are established for the total workforce of an agency or facility to ensure adequate coverage for delivery of services or care. Individual employees are not permitted to arrive or depart at different times on different days when staggered hours are in place; however, employees may be allowed to switch starting times during specified periods and with supervisory approval.

**Compressed workweeks:** A compressed workweek schedule increases the number of hours worked per day and lessens the number of days worked per week. Variations in the number of days worked per week and the specific days worked are permitted, depending on agency needs. Once a compressed workweek schedule is determined for an individual employee, it should remain fixed.

**Compressed pay periods:** In this type of alternative schedule, employees work a full pay period in less than ten days. An employee is permitted to compress the number of hours in a biweekly payroll period by increasing the number of hours on some or all the days worked. Variations in the number of days worked per week and the specific days worked are permitted, depending on agency needs. Once a compressed pay period schedule is determined for an individual employee, it should remain fixed, until a modification has been requested and approved.

**Flexible work hours (flextime)** is defined as a work schedule that permits an employee the option of choosing daily starting and ending times around a mandated core work period while working a fixed number of hours per day. It should also be noted that employee participation in a flextime does not affect or imply a change to the employee's overtime eligibility status.

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<sup>1</sup> New York State Attendance and Leave Manual. 1992. Part 20, Section 1. Retrieved from: [https://www.cs.ny.gov/attend\\_leave\\_manual/020Attendance/20\\_1Rulespages-Basic%20Workweek.htm](https://www.cs.ny.gov/attend_leave_manual/020Attendance/20_1Rulespages-Basic%20Workweek.htm)



For further clarification on work schedule definitions, please refer to the CSL section 7(7) attached as Appendix A and the Attendance and Leave Manual, Policy Bulletin 2008-05, attached as Appendix B.

**Agencies and entities:** For this report, the term “agency” or “entity” is used to include any executive-controlled entity of the State of New York. A list of responding entities is attached as [Appendix D](#).

### **Exclusions**

Excluded from the report is the concept and definition of **telecommuting**, i.e., working remotely through the assistance of technology. The United States Office of Personnel Management defines telecommuting (telework) as an arrangement under which an employee performs the duties and responsibilities of their position from an approved alternative worksite or location.<sup>2</sup> Given this definition, telecommuting is to be considered a work characteristic rather than a work schedule modification, and is, therefore, not within the report scope.

## **REPORTING REQUIREMENTS**

Civil Service Law section 7(7) requires the Department to prepare and deliver information relating to current programs within State agencies that allow for alternative work schedules or flexible work hours. The report has four sections: (1) details on current programs and their use, including plans agencies may have for altering schedule options; (2) positive and negative experiences for agencies in utilizing those schedules; (3) legal or practical reasons that affect the ability to offer such schedules; and (4) select agency profiles on the use of alternative work schedules and flexible work hours programs in practice.

Nothing contained in the report is meant to impede or diminish the integrity of the collective bargaining process through which employees and employers establish similar rights and benefits of attendance and leave.

### **Data Collection and Methodology**

The Department collected data on work schedule practices in two phases:

**Phase 1: Survey Data Collection.** To appropriately identify state agencies that utilize alternative work schedules and/or flexible work hours, a survey was sent to approximately 98 Directors of Human Resources and/or Directors of Personnel at executive-controlled state agencies. The survey was designed to capture details of current programs in use at agencies. Questions asked about current programs; positive and negative experiences with either or both types of scheduling practices; reasons affecting the ability to offer

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<sup>2</sup> U.S. Office of Personnel Management. 2017. <https://www.opm.gov/faqs/topic/workforceinfo/index.aspx>

schedule modifications to employees; and plans for altering current programs. Approximately 72% of State agencies responded to the survey, all of which were complete responses.

**Phase 2: Agency Profiles.** Following a comprehensive data collection survey, select agency responses were evaluated for an in-depth analysis to record additional and detailed information about their work scheduling practices. Agencies were selected for further evaluation from the listed business clusters and based on the following criteria:

1. The responding entity submitted a complete survey.
2. The responding entity provided contact information.
3. The responding entity provided detailed answers to pertinent questions.

Once the analysis was concluded, profiles for select agencies were compiled and included in Section 4.

## SECTION 1. CURRENT PROGRAMS

Of the two main types of schedule modifications, AWS is more commonly used at state agencies (73%). The use of flextime, as it is defined, is far less frequent.

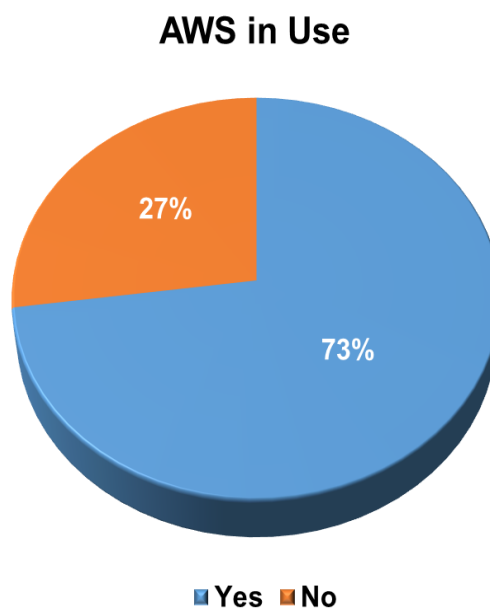
### **Alternative Work Schedules**

Approximately 73% of responding entities indicate that AWS is in current use at their agency or facility (*Figure 1*). The most common types of AWS in use are Compressed Workweek (73%) and Staggered Work Hours (69%). Compressed Pay Period is less commonly used, though it is still utilized by more than half of reporting agencies (55%).

There is a notable variety in the operational and business needs of the responding entities that rely on AWS. However, the location and type of agency or facility (administrative, business, health and human services, recreation and environment, education, or transportation and utilities) do not appear to correlate to the use of AWS. In line with the 2018 report, there are also no reportable trends on job-specific or title-specific use of AWS.

Similar to 2018, 18% of responding agencies who have implemented some form of AWS report the use of formal productivity measures or performance metric(s); however, approximately 90% indicate that there are defined limitations to employees utilizing AWS. Common limitations continue to include: supervisory or managerial approval; staffing levels; seasonal requirements; operating hours; and business needs. Additional limitations are more employee-specific, including: minimum service in a current position; probationary status; time and attendance records; performance program and evaluation ratings; and demonstrated abilities.

Most of the responding entities indicated that they have no plans to alter their current use of AWS (75%). Eighty-two percent (82%) of agencies with AWS programs noted they would recommend their program to other agencies, citing that an AWS program benefits both agency and employee alike, with many mentioning using AWS programs as a powerful recruitment and retention tool.



*Figure 1: Percentage of agencies that currently offer the use of AWS to employees*

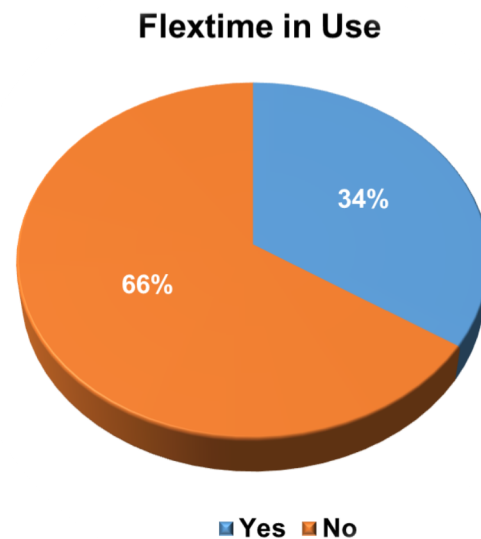


### ***Flextime***

Use of flextime at agencies is notably less common than AWS. Approximately 34% of responding entities indicate that flextime is in current use at their agency or facility.

Respondents without current flextime programs indicate that practical reasons affect their ability to offer this type of scheduling modification to their employees, noting that business or operational needs of the agency or facility and adequate staffing for the provision of services or programs might not be met if flextime was implemented (see Section 3 for additional information). Approximately 55% would not consider offering flextime in the future for many of the same reasons.

As with AWS, formal productivity measures or performance metrics are not commonly implemented. However, numerous limitations to the use of flextime do exist, including administrative approval; office coverage requirements and minimum staffing levels during business hours; operational or business needs; and whether a business unit or employee is 'public-facing' in carrying out their work duties.



*Figure 2: Percentage of agencies that currently offer the use of flextime to employees*

### Impact of COVID-19 on AWS and Flextime Programs

Approximately 7% of agencies reported the establishment of an AWS program specifically in response to COVID-19 (Figure 3). In addition, agencies reported expanding current AWS programs to include staff that would otherwise not be eligible due to job and operational requirements. Agencies also indicated that they initiated schedules such as staggered work hours, work location agreements, and working outside of typical work hours including weekends. Fifty percent (50%) of agencies noted that COVID-19 did not have a negative impact on the success of their AWS programs, while 43% of agencies noted that their AWS program rollout was not negatively impacted by COVID-19 (Figure 3). Ultimately, only 15% of agencies that do not have an already established AWS program have considered the implementation of such program due to COVID-19 (Figure 3). Twenty-five percent (25%) of agencies noted that the changes they made to their current AWS programs were due to COVID-19. Only approximately 4% of agencies noted that they would be making those changes permanent (Figure 3).

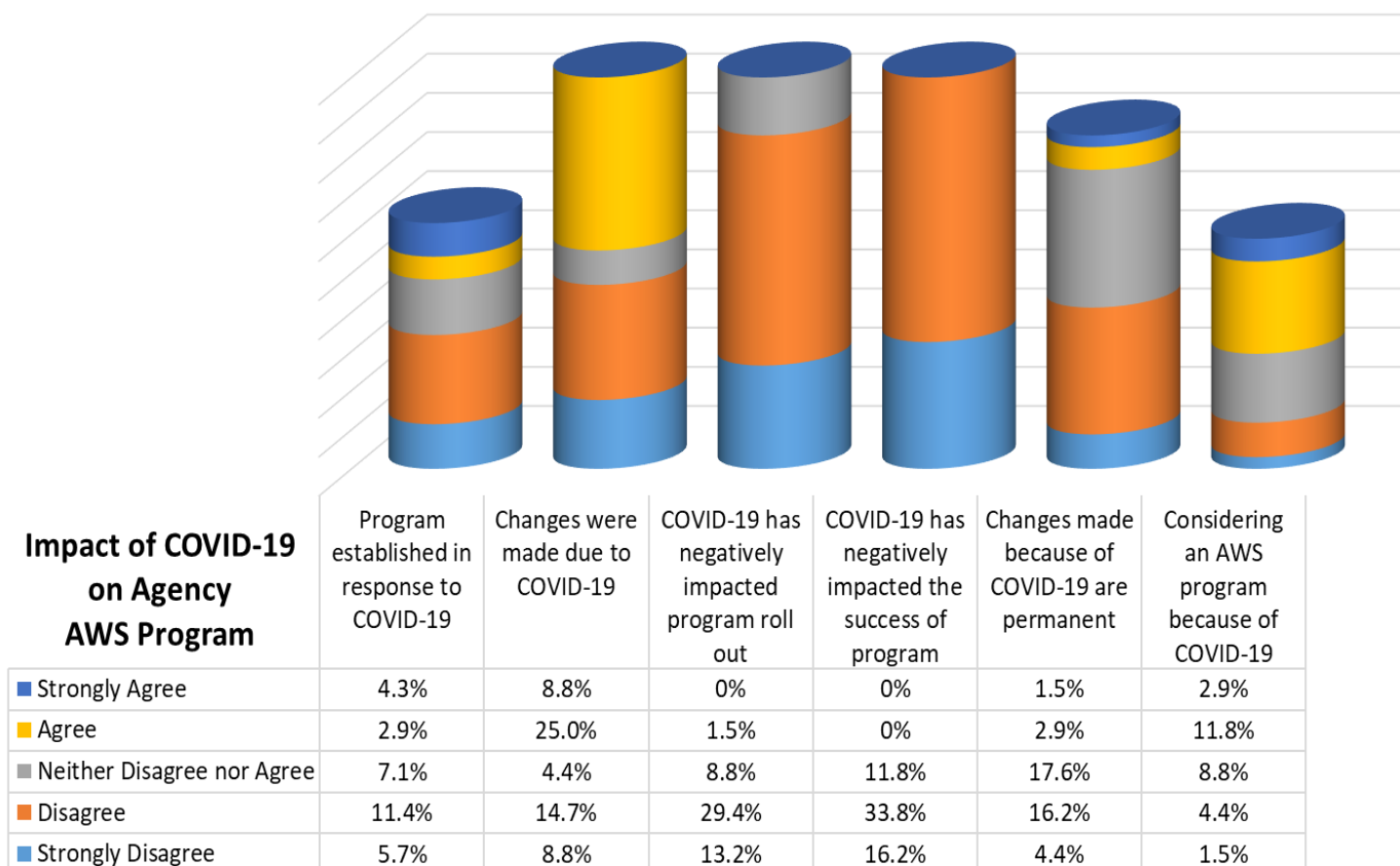
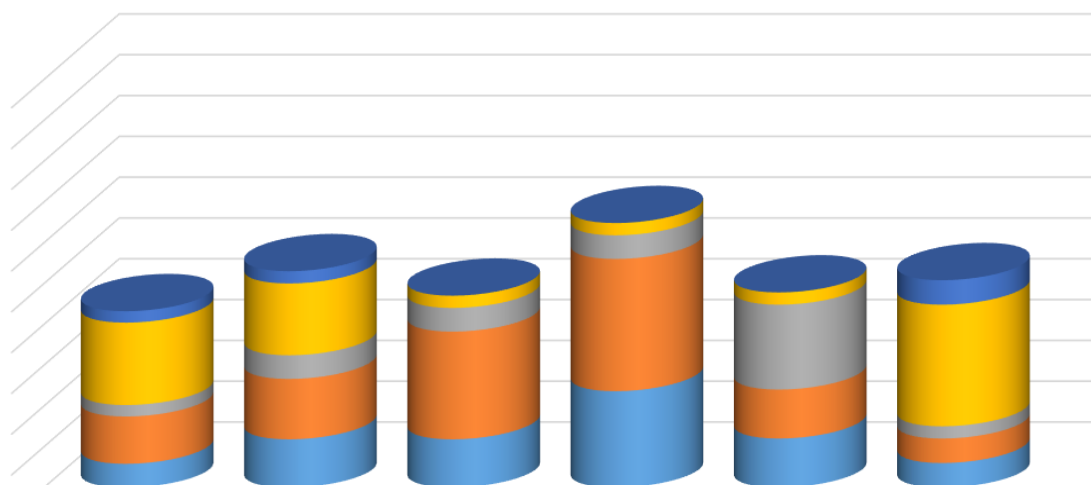


Figure 3: Percentage totals do not add up to 100% due to "Not Applicable" response totals being removed.

In contrast, 12% of agencies reported the establishment of a flextime program in response to COVID-19 (Figure 4), making flextime the more popular choice during COVID-19. Twenty-eight percent (28%) of agencies noted that their current flextime programs were not negatively impacted by COVID-19, while 19% of agencies noted that their flextime program rollout was not negatively impacted by COVID-19 (Figure 4). Ultimately, only 18% of agencies that do not have an already established flextime program have considered the implementation of such program due to COVID-19 (Figure 4). Ten percent (10%) of agencies noted that the changes they made to their current flextime programs were due to COVID-19. Only approximately 2% of agencies noted that they would be making those changes permanent (Figure 4).



<b>Impact of COVID-19 on Agency Flextime Program</b>	Program established in response to COVID-19	Changes were made due to COVID-19	COVID-19 has negatively impacted program rollout	COVID-19 has negatively impacted the success of program	Changes made because of COVID-19 are permanent	Considering a flextime program because of COVID-19
Strongly Agree	1.4%	1.5%	0%	0%	0%	3.0%
Agree	10.1%	8.8%	1.5%	1.5%	1.5%	14.9%
Neither Disagree nor Agree	1.4%	2.9%	2.9%	2.9%	10.4%	1.5%
Disagree	5.8%	7.4%	13.2%	16.2%	6.0%	3.0%
Strongly Disagree	2.9%	5.9%	5.9%	11.8%	6.0%	3.0%

Figure 4: Percentage totals do not add up to 100% due to "Not Applicable" response totals being removed.

## SECTION 2. POSITIVE AND NEGATIVE EXPERIENCES

Experiences vary with both AWS and flextime schedules, but many positive outcomes have been identified. The use of AWS and flextime has reported benefits to both individual employees as well as agencies; very few agencies indicate that schedule modifications have a negative impact on operations or employee productivity.

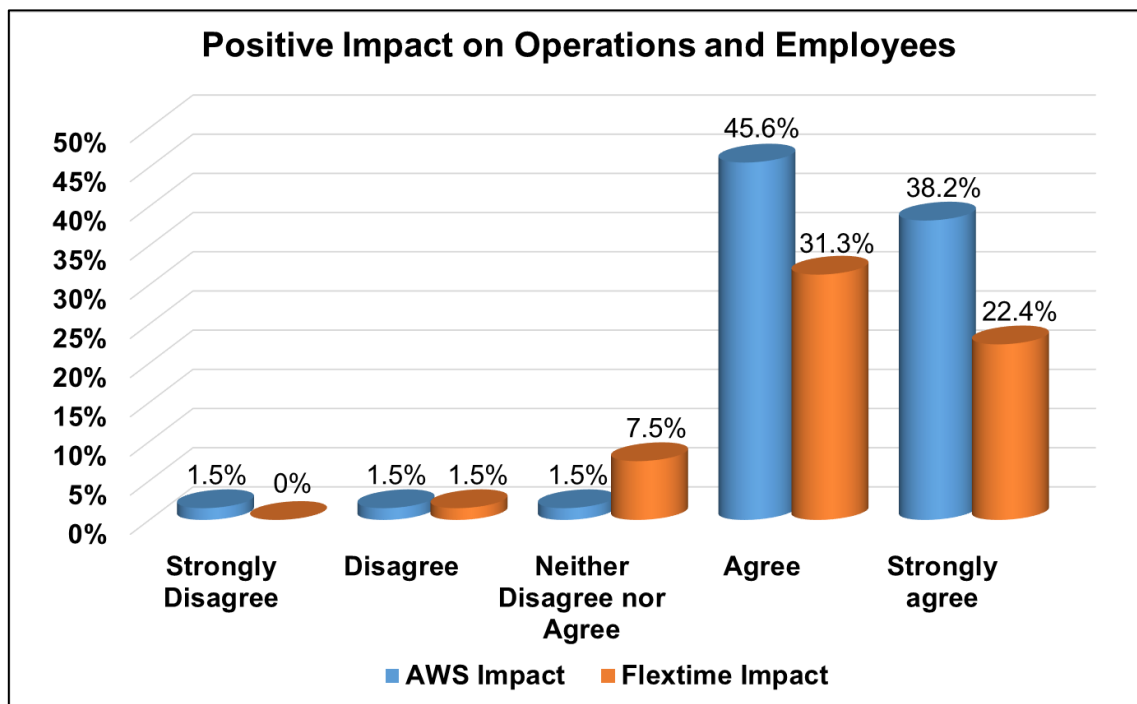


Figure 5: Positive Impact on Operations and Employees

One of the most prominent benefits identified is the improvement of employee morale concurrent with the use of AWS and flextime. Research in this area is supportive; employees with flexible work schedules reportedly experience lower levels of stress, higher levels of commitment to their current employer, increased work effectiveness and improved overall wellbeing.<sup>3</sup> Eighty-four percent (84%) of agencies agreed that their current AWS programs did not have a negative impact on agency operations (*Figure 5*). Fifty-four percent (54%) of agencies also agreed that their current flextime programs did not have a negative impact on agency operations (*Figure 5*). Additionally, most agencies noted they would recommend the use of these programs to other agencies (approximately 78% and 83% respectively).

<sup>3</sup> American Sociological Association, 2016. Workplace Flexibility Benefits Employees. Retrieved from: <http://www.asanet.org/press-center/press-releases/study-workplace-flexibility-benefits-employees>

Additional positive outcomes include:

- Improved or expanded service levels – Scheduling flexibility allows agencies to effectively manage human resources, i.e., recruit and retain high-performing employees in both the short and long term. Existing employees can also meet or exceed service level targets while working non-traditional work hours, depending on their job duties and responsibilities.
- Increased availability to the public and/or customers – With expanded hours, agencies are better able to match their staffing levels with customer needs or fluctuations in service demand. Agencies can ensure adequate staffing levels during peak times, which may occur beyond traditional work hours.
- Enhanced productivity – Respondents report a reduction in time and attendance issues with use of AWS and flextime, and increased employee engagement. There is a direct correlation between flexibility in work scheduling and a greater willingness on the part of the employee to perform job duties.<sup>4</sup>
- Decreased costs – Both types of scheduling options are inherently cost-neutral while offering cost-saving potential in areas such as transportation and energy consumption. AWS and flextime can also lower overtime expenditures and decrease personnel costs associated with unscheduled absences.
- Ensured compliance – In entities providing 24/7 service or care, flexible hours can ensure compliance with state regulations related to staffing ratios and the availability of appropriately trained or certified staff.
- Increased satisfaction – In offering alternative scheduling options, agencies note that employees report higher levels of satisfaction with their jobs and with their work-life balance, which also correlates to enhanced productivity. Managers also report the usefulness of flexible work schedules as a tool for predicting coverage needs and decreasing unscheduled absences.

Agencies identified very few negative experiences; however, some are highly impactful:

- Difficulties exist for supervisors and managers when coordinating schedules or predicting staffing needs in larger business units with employees who utilize various types of available scheduling options.
- Customer-facing agencies experience impact when employees utilize scheduling modification options during peak times of customer demand.

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<sup>4</sup> SHRM Survey Findings: Workplace Flexibility - Strategic Use of Flexible Work Arrangements, 2014. Retrieved from: <https://www.shrm.org/hr-today/trends-and-forecasting/special-reports-and-expert-views/Documents/Flexible%20Work%20Arrangements.pdf>

- Varying interpretations of program requirements within business units or among individual employees can result in misuse.
- Variability of use across individual divisions and business units can result in inconsistent levels of service or performance at agencies.
- Small agencies (less than 100 employees) identified an impact on operational needs when AWS or flextime is utilized, due to having overall lower numbers of staff and, therefore, fewer resources to ensure or maintain adequate coverage.

### **SECTION 3. REASONS AFFECTING ABILITY TO OFFER SCHEDULING ALTERNATIVES**

As indicated above, a small percentage of responding agencies have opted not to offer alternative scheduling of some type. Of those agencies that do not offer one of the alternative scheduling options, less than 6% indicated the reason was legal, defined primarily as “contractual obligations.” Some agencies noted that having been forced to adopt alternative scheduling of some type due to COVID-19, development and implementation of formal programs and various work schedule options are under consideration.

The remainder indicated that practical reasons inhibit their ability to offer alternative scheduling; the most common reason is the need to ensure adequate shift coverage to meet operational needs. Other challenges are:

- requirements for a 24/7 business or facility operation;
- impact on direct care service levels;
- a lack of interest or request on the part of employees for this type of schedule;
- safety concerns;
- supervisory accountability; and
- a geographically dispersed workforce.



## SECTION 4. SELECT AGENCY PROFILES

Profiles for select agencies were identified for inclusion in the report. Those selected include a variety of business areas and settings as they are defined by state guidelines.<sup>5</sup> The profiles represent approximately 10% of all responding entities; each profile will provide specific information about the agency and their current programs.

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<sup>5</sup> New York State Agencies and Authorities Groupings, retrieved from:  
[https://ocfs.ny.gov/ohrd/OMTV/OMTVfinal/NYS\\_GUIDELINES.PDF](https://ocfs.ny.gov/ohrd/OMTV/OMTVfinal/NYS_GUIDELINES.PDF)

**Agency Profile 1.**

<p><b>Agency or Facility Type:</b> <b>Public Safety</b></p> <p><b>Agency or Facility Size:</b> 1 – 500 employees</p> <p><b>Current Program:</b> Alternative Work Schedules (AWS)</p> <p><b>AWS Type(s):</b> Staggered Hours; Compressed Workweek; Compressed Pay Period</p> <p><b>Number of Employees Participating:</b> 50-100</p> <p><b>Plans for Altering Current Program:</b> None</p>	<p style="text-align: center;"><b>Program Description</b></p> <p>For this agency, AWS approvals are initially approved for three to six months trial periods only. This requires department supervisors and/or division officials to submit an evaluation to Human Resources regarding the productivity and success or failure of the AWS.</p> <p style="text-align: center;"><b>Reasons Affecting Ability to Offer Scheduling Alternatives:</b></p> <p>Within this agency, program areas executives indicated they would consider offering flex time to their employees if the agency supported flex schedules.</p> <p style="text-align: center;"><b>Positive Experiences</b></p> <p>This agency stated that their employees have expressed a desire for a more flexible work schedule and by providing alternative work schedules it has not only made this agency a competitive and attractive work environment but has provided a better work-life balance for their workforce.</p> <p style="text-align: center;"><b>Negative Experiences</b></p> <p>No negative experiences are noted.</p>
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**Agency Profile 2.**

<p style="text-align: center;"><b>Agency Type:</b> <b>Health &amp; Human Services</b></p> <p style="text-align: center;"><b>Agency Size:</b> 1 – 500 employees</p> <p style="text-align: center;"><b>Current Program:</b> Alternative Work Schedules (AWS) and flextime</p> <p style="text-align: center;"><b>AWS Type(s):</b> Compressed workweek</p> <p style="text-align: center;"><b>Number of employees participating:</b> 50 - 100</p> <p style="text-align: center;"><b>Plans for altering current program:</b> None</p>	<p style="text-align: center;"><b>Program Description</b></p> <p>While continuing to fulfill business needs, this agency offers 3, 4, or 5 day a week schedules, bid on by seniority, for their call center unit, helping to fill gaps and reducing mandated overtime. This agency’s employees, depending on the unit, can work more flexible hours within the day while working remotely with their supervisor’s approval, with reports being run to account for certain productivity measures (ex. number of calls taken, reports completed, etc.)</p> <p style="text-align: center;"><b>Reasons Affecting Ability to Offer Scheduling Alternatives:</b></p> <p>The agency can offer flextime as well as AWS without any reasons affecting their ability to do so.</p> <p style="text-align: center;"><b>Positive Experiences</b></p> <p>This agency reported that their agency Alternative Work Schedule and flextime programs have created positive morale and allowed more flexibility to work remotely and perform duties during hours spread throughout the day.</p> <p style="text-align: center;"><b>Negative Experiences</b></p> <p>No negative experiences are noted.</p>
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**Agency Profile 3.**

<p style="text-align: center;"><b>Agency Type: Health &amp; Human Services</b></p> <p style="text-align: center;"><b>Agency Size:</b> 1,000 – 2,000 employees</p> <p style="text-align: center;"><b>Current Program:</b> Alternative Work Schedules (AWS) and flextime</p> <p style="text-align: center;"><b>AWS Type(s):</b> Compressed Workweek; Compressed Pay Period</p> <p style="text-align: center;"><b>Number of Employees Participating:</b> More than 500</p> <p style="text-align: center;"><b>Plans for Altering Current Program:</b> None</p>	<p style="text-align: center;"><b>Program Description</b></p> <p>This agency’s Agency Alternative Work Schedule program does not allow employees to have Saturdays as part of their regular work week. This was allowed in one program area for reduced capacity purposes as this program areas’ worksites did not have telecommuting for logistical reasons. Once telecommuting was worked out for this program area, they continued to allow Saturdays as a normal workday for staff.</p> <p>Flextime at this agency allowed for employees to establish an attendance schedule most compatible with their personal needs. Employees must be scheduled to work between the hours of 9:30 am and 3:30 pm except for a lunch period. Flexible time may start as early as 7:30 am and end no later than 6:30 pm. Flextime was made available in only one program area (allowing Saturday to be part of a normal workweek for staff).</p> <p style="text-align: center;"><b>Reasons Affecting Ability to Offer Scheduling Alternatives:</b></p> <p>The agency can offer flextime as well as AWS without any reasons affecting their ability to do so.</p> <p style="text-align: center;"><b>Positive Experiences</b></p> <p>This agency notes that their Alternative Work Schedule program allows for employees to have a better work/life balance while also increasing employee morale and decreasing the usage of accruals.</p> <p style="text-align: center;"><b>Negative Experiences</b></p> <p>No negative experiences are noted.</p>
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**Agency Profile 4.**

<p style="text-align: center;"><b>Agency Type: Statewide Elected Officials</b></p> <p style="text-align: center;"><b>Agency Size:</b> 2,000 – 3,000 employees</p> <p style="text-align: center;"><b>Current Program:</b> Alternative Work Schedules (AWS)</p> <p style="text-align: center;"><b>AWS Type(s):</b> Staggered hours; compressed workweek; compressed pay period</p> <p style="text-align: center;"><b>Number of Employees Participating:</b> More than 500</p> <p style="text-align: center;"><b>Plans for Altering Current Program:</b> The agency currently offers an AWS but plans on restricting the number of additional pass days per pay period to just one.</p>	<p style="text-align: center;"><b>Program Description</b></p> <p>This agency plans to move from a limited pilot program to an agency-wide compressed workweek program and plans to formalize their current staggered hours schedule system to a standard Alternative Work Schedule.</p> <p style="text-align: center;"><b>Reasons Affecting Ability to Offer Scheduling Alternatives:</b></p> <p>The agency is unable to offer flextime due to legal reasons and contract provisions regarding timekeeping.</p> <p style="text-align: center;"><b>Positive Experiences</b></p> <p>This agency reports that the current pilot Alternative Work Schedule program has improved employee morale. This agency also reports that employees currently use additional pass days to schedule personal appointments to avoid unnecessary accrual use.</p> <p style="text-align: center;"><b>Negative Experiences</b></p> <p>The agency notes that reduced employee availability occasionally can have an impact on operations.</p>
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**Agency Profile 5.**

<p style="text-align: center;"><b>Agency Type: Education</b></p> <p style="text-align: center;"><b>Agency Size:</b> 3,000 – 4,000 employees</p> <p style="text-align: center;"><b>Current Program:</b> Alternative Work Schedules (AWS)</p> <p style="text-align: center;"><b>AWS Type(s):</b> Staggered Hours; Compressed Workweek; Compressed Pay Period</p> <p style="text-align: center;"><b>Number of Employees Participating:</b> More than 500</p> <p style="text-align: center;"><b>Plans for Altering Current Program:</b> None</p>	<p style="text-align: center;"><b>Program Description</b></p> <p>For employees to participate in this agency’s Alternative Work Schedule program, employees are required to have consistent work schedule/hours. Supervisors are tasked with monitoring staff participation and work output. Failure to maintain work performance will cause removal from the program. Employee performance evaluations, which detail work performance and attendance concerns addressed by the supervisor, are also required.</p> <p style="text-align: center;"><b>Reasons Affecting Ability to Offer Scheduling Alternatives:</b></p> <p>This agency is not considering offering flextime to employees at this time due to the level of difficulty for supervisors who are required to manage according to operational need.</p> <p style="text-align: center;"><b>Positive Experiences</b></p> <p>This program allows staff to successfully manage work-life balances as well as manage medical limitations/appointments. This agency’s Alternative Work Schedule program allows staff more flexibility, allowing for increased productivity and improving employee morale.</p> <p style="text-align: center;"><b>Negative Experiences</b></p> <p>No negative experiences are noted.</p>
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**Agency Profile 6.**

<p style="text-align: center;"><b>Agency Type: Administration</b></p> <p style="text-align: center;"><b>Agency Size:</b> 3,000 – 4,000 employees</p> <p style="text-align: center;"><b>Current Program:</b> Alternative Work Schedules (AWS)</p> <p style="text-align: center;"><b>AWS Type(s):</b> Staggered hours; Compressed Workweek; Compressed Pay Period</p> <p style="text-align: center;"><b>Number of Employees Participating:</b> More than 500</p> <p style="text-align: center;"><b>Plans for Altering Current Program:</b> None</p>	<p style="text-align: center;"><b>Program Description</b></p> <p>This agency has a series of policies that outline the standards and criteria of Alternative and Compressed Work Schedules programs. Performance metrics are based on criteria and expectations, as agreed upon by the supervisor and employee and are documented on performance plans, program applications, and work plans. Production standards – such as number of action items closed per day, number of tasks, calls, emails – are quantified and/or evaluated.</p> <p style="text-align: center;"><b>Reasons Affecting Ability to Offer Scheduling Alternatives:</b></p> <p>This agency is not considering offering flextime to employees at this time due to the level of difficulty for supervisors who are required to manage according to operational need.</p> <p style="text-align: center;"><b>Positive Experiences</b></p> <p>This agency notes that their Alternative Work Schedule is an effective management tool and offers a positive impact to the agency and its employees, some of which includes increased employee productivity, increased morale and job satisfaction, support for work/life balance, energy conservation, environmental preservation, and sustained hiring and retention of highly qualified employees.</p> <p style="text-align: center;"><b>Negative Experiences</b></p> <p>No negative experiences are noted.</p>
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**Agency Profile 7.**

<p style="text-align: center;"><b>Agency Type: Business</b></p> <p style="text-align: center;"><b>Agency Size:</b> 4,000 – 5,000 employees</p> <p style="text-align: center;"><b>Current Program:</b> Alternative Work Schedules (AWS) and flextime</p> <p style="text-align: center;"><b>AWS Type(s):</b> Staggered Hours; Compressed Workweek; Compressed Pay Period</p> <p style="text-align: center;"><b>Number of Employees Participating:</b> More than 500</p> <p style="text-align: center;"><b>Plans for Altering Current Program:</b> None</p>	<p style="text-align: center;"><b>Program Description</b></p> <p>This agency has certain designated program areas that allow for a flexible start/end time. The most popular start times range from a 7:00am-9:00am arrival, with a 3:00pm-5:00 pm departure time. This agency also offers a more limited flexible schedules (e.g., 8:00am-8:30am arrival time). This agency reports that it allows managers and directors to flex their time and work later if they have an extended meeting and need to adjust their time accordingly. For these managers and directors, since they are not overtime eligible, if they work late, they could be allowed to arrive later an alternate day.</p> <p style="text-align: center;"><b>Reasons Affecting Ability to Offer Scheduling Alternatives:</b></p> <p>The agency can offer flextime as well as AWS without any reasons affecting their ability to do so.</p> <p style="text-align: center;"><b>Positive Experiences</b></p> <p>For this agency, having flexible scheduling allows them to provide more hours of availability to the population and customers they serve, while providing flexibility to staff that increases productivity even in the midst of personal adjustments.</p> <p style="text-align: center;"><b>Negative Experiences</b></p> <p>No negative experiences are noted.</p>
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## CONCLUSION

Both AWS and flextime have been successfully implemented in a variety and number of State agencies. While the use of AWS is generally far more prevalent than flextime across State agencies, during the COVID-19 pandemic, flextime was reported to be the option that many State agencies utilized. Responding entities indicate that, in general, flexible scheduling has positive impacts on their business and employee needs. While some negative experiences have been reported, very few agencies with current programs have plans to alter or discontinue them, and the majority would recommend their use to others. Agencies without the ability to offer AWS or flextime report that practical reasons are the primary barrier; the most cited obstacle is agency business needs.

The review of current programs and agency experiences confirms that trends in work flexibility options have important implications for the state workforce. In examining the use of AWS and flextime at state agencies, a level of informality in the interpretation of their definitions continues to be notable, highlighting an opportunity for achieving consistency in program implementation. However, findings also conclude that both formal and informal flexible scheduling arrangements provide benefit to individual employees and can have positive impact on the business outcomes of state agencies, irrespective of their unique characteristics.

## Appendix A – New York State Legislation

LAWS OF NEW YORK, 2018

### CHAPTER 49

AN ACT to amend the civil service law, in relation to requiring the president of the civil service commission to prepare and deliver a triennial report relating to current programs within each state agency that allow for alternative work schedules or flexible work hours

Became a law June 1, 2018, with the approval of the Governor.  
 Passed by a majority vote, three-fifths being present.

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Subdivision 7 of section 7 of the civil service law, added by a chapter of the laws of 2017, amending the civil service law, relating to requiring the president of the civil service commission to prepare and deliver a biennial report relating to current programs in each state agency that allow for alternative work schedules or flexible work hours, as proposed in legislative bills numbers S. 5811A and A. 7634A, is amended to read as follows:

7. The president, ~~[in coordination]~~ with the **assistance of the** office of information technology services **as needed**, shall prepare a ~~[biennial]~~ report on or before the first day of ~~[September beginning]~~ September two thousand eighteen **and every three years thereafter** to be issued to **the governor**, the speaker of the assembly, the temporary president of the senate, the minority leader of the assembly, and the minority leader of the senate. Such report shall detail current programs within state agencies that allow for alternative work schedules or flexible work hours,

the positive and negative experiences for agencies in utilizing alternative work schedules or flexible work hours, whether legal or practical reasons affect the ability to offer such schedules, and any existing plans agencies may have for ~~[expanding or contracting]~~ altering schedule options available to employees. The president shall compile input from agencies selected pursuant to this subdivision, and each agency shall provide all available information upon request to the president.

~~[However, no plan regarding alternative work schedules or flexible work hours shall be implemented and cannot be enforced with regard to employees represented by a bargaining unit unless and until such plan is implemented through a collective bargaining agreement.]~~ The president ~~[shall]~~ may also include ~~[an analysis on any findings of]~~ information about best practices among selected agencies ~~[and whether agencies can adopt additional practices to provide alternative schedules or flexible work hours]~~. Nothing set forth in this section shall be construed to impede, infringe or diminish the rights and benefits that accrue to employees and employers through collective bargaining agreements, or otherwise diminish the integrity of the collective bargaining relationship. For purposes of this subdivision, "alternative work schedules or flexible work hours" shall mean an ongoing schedule modification that applies to more than one employee in a described business unit~~[+ alternative]~~. Alternative work schedules or flexible work hours shall not

EXPLANATION--Matter in italics is new; matter in brackets [-] is old

to be omitted.

CHAP. 49

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include voluntary reduction in work schedule agreements and individualized work schedules.

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§ 2. This act shall take effect on the same date and in the manner as a chapter of the laws of 2017, amending the civil service relating to requiring the president of the civil service commission to prepare and deliver a biennial report relating to current programs in each state agency that allow for alternative work schedules or flexible work hours, as proposed in legislative bills numbers S. 5811A and A. 7634A, takes effect.

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The Legislature of the STATE OF NEW YORK **ss:**  
 Pursuant to the authority vested in us by section 70-b of the Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

HEASTIE  
Temporary President of the Senate  
Assembly

CARL E.  
Speaker of the



## Appendix B – Executive Order 68

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### 9 CRR-NY 3.68

3.68 Executive Order No. 68: Directing the implementation of alternative work schedules in agencies of government.

Agencies of government must constantly seek to maximize productivity of operations and the quality of services provided to the people of the State, and at the same time, enhance employment opportunities for qualified persons unable to obtain employment under conventional work schedules.

It is hereby declared to be the policy of this State to encourage and promote the implementation of alternative work schedules such as “flextime” and year-round part-time work schedules in those agencies of government where it is demonstrated that the use of such alternative work schedules:

- will provide increased availability of public service or otherwise enhance the productivity of State government operations; and
- will increase the number and caliber of individuals available for recruitment into State services; and
- will increase employee morale and reduce absenteeism and/or tardiness and enhance the delivery of necessary care and services to persons dependent upon the State, without compromising effective supervision.

Each State agency shall identify those organizational units and positions for which alternative work schedules may be appropriate. The Department of Civil Service shall provide each State Agency with information on ways of implementing various types of alternative work schedules, shall assist the management of each agency in determining the extent to which it is feasible to adopt alternative work schedules and at the same time to increase hours of operation and/or the productivity of operations, and shall review the performance of State agencies in complying with the Order.

Prior to implementing alternative work schedules, State agencies shall file a brief statement with the Director of the Budget, the President of the Civil Service Commission, and the Director of Employee Relations describing the nature of the change in the work schedule, the extent to which the change is consistent with existing attendance rules and contractual provisions, the means by which continued employment for incumbent employees is ensured, the method for maintaining accurate time records under the proposed work schedule, any added costs to be generated by the change in work schedule, and the specific benefits in terms of expanded hours of operation and/or improved productivity that will be associated with the change in work schedule.

If the proposed change in work schedule involves the creation of any new positions or reclassification of any existing positions, it shall not be implemented until the new positions and/or reclassifications have been approved pursuant to existing procedures by the Department of Civil Service and the Division of the Budget. The Department of Civil Service and the Division of the Budget shall act on such requests as expeditiously as possible.

If the change in work schedule proposed in such a statement does not involve the creation of any new positions or the reclassification of any existing positions, it may be implemented thirty working days after the filing of the statement unless the Director of the Budget disapproves the proposal in writing (copies of any such written disapprovals shall be filed with the Department of Civil Service and the Office of Employee Relations); provided, however, that before implementing any changes in work schedules pursuant to the provisions and intent of this Order, a State agency shall first consult the Office of Employee Relations and, with Office of Employee Relations concurrence, enter into appropriate discussions with duly designated representatives of the State employees who will be affected by the work schedule.

Prior to April 1, 1978, each State agency shall provide a written report to the Secretary to the Governor outlining specific alternative work schedule proposals that it has implemented or intends to implement.

Not later than September first of each year, the President of the Civil Service Commission shall submit a report to the Governor describing the impact of alternative work schedules on the quality of State operations and on employment opportunities for minorities, women, the elderly and the disabled and all agencies of State government; recommending areas to be explored during the coming year to determine where alternative work schedules might be used effectively to meet the obligations and objectives expressed in this Order; and proposing any necessary changes in law, regulation or policy growing out of the Department's experience in carrying out its responsibilities under this Order. Copies of such report, which shall be available for use in conjunction with the Governor's review of current operations and the development of his program and budgetary recommendations for the coming fiscal year, shall be filed with the Division of the Budget and the Office of Employee Relations. The Department of Civil Service may make such inspections and require such reports as may be necessary to fulfill its responsibilities under this program.

Signed: Hugh L. Carey  
Dated: February 15, 1978

## Appendix C – Policy Bulletin 2008-05

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### **A. Alternative Work Schedule Approval Procedure**

This policy bulletin describes the Alternative Work Schedule Approval Procedure (Approval Procedure) that agencies must follow to develop and implement alternative work schedule proposals. A prior approval procedure was contained in Budget Policy and Reporting Manual Item G-068, dated November 8, 1985. The procedure described in G-068 required review of proposed alternative work schedules by the Division of the Budget (DOB), the Department of Civil Service Attendance and Leave Unit (A&L Unit), and the Governor's Office of Employee Relations (GOER). G-068 was rescinded by DOB in 1999. GOER and the A&L Unit continue to have responsibility for approval of alternative work schedules.

### **B. Background and General Policy**

Since 1978 State agencies have been encouraged to consider whether use of alternative work schedules would facilitate meeting operational and programmatic needs.

It is the policy of the State to encourage and promote the implementation of alternative work schedules in those agencies of government where the use of an alternative work schedule will:

- Increase the availability of public services or otherwise enhance the productivity of state government operations;
- Increase the number of qualified persons available for recruitment into state government; and
- Improve employee morale, reduce absenteeism and/or tardiness, and (as appropriate) enhance the delivery of necessary care and services.

### **C. Types of Alternative Work Schedules**

The common types of alternative work schedules (AWS) are staggered hours, the compressed workweek, the compressed pay period, and use of part-time employees on

a year-round basis. \*Participation in an AWS has no effect on an employee's overtime eligibility or ineligibility.

***Staggered hours*** are a type of alternative work schedule that provides for assignment or selection of beginning and ending times at different fixed intervals that do not vary from day to day. Staggered hours do not permit employees to arrive and depart at different times on different days. Overlapping schedules of predetermined hours are established for the total work force. Employees work a fixed number of hours each day, always between the same starting and quitting hours. Starting times are usually staggered at 15 minute intervals; however, variations of 20, 30, and 45 minutes are also common. Staggered hours schedule options are either assigned by management or chosen by employees subject to management approval. Some flexibility can be built into this system by permitting employees to switch starting times during specified "open periods" or with the approval of the supervisor.

***Compressed workweeks*** are a type of alternative work schedule that shortens the number of days in a workweek by lengthening the number of hours worked per day. For example, the normal five day eight-hour schedule may be compressed into four days of ten hours each or 3 days of 13 1/3 hours each. In addition to variations in the number of days worked, the specific days worked can vary. For a four-day schedule, workdays may be Monday through Thursday, Saturday through Tuesday, etc., depending on agency needs. Once the schedule has been determined, this should ordinarily remain fixed for the employee.

***Compressed pay periods*** are a type of alternative work schedule in which employees work a full pay period in less than ten days. For example, an employee may compress the number of hours in a biweekly payroll period over nine days by lengthening some or all nine days in the pay period. In addition to variations in the number of days worked, the specific days worked can vary. Once the schedule has been determined, this should ordinarily remain fixed for the employee.

Reference(s): Alternative work schedules are described in detail in Section 20.1, Basic Workweek, of the Attendance and Leave Manual.

*Note: Voluntary Reduction in Work Schedule (VRWS) agreements and individualized work schedules are not subject to this Approval Procedure. VRWS is not a type of alternative work schedule. Similarly, a temporary schedule change requested by a single employee and approved by a supervisor is an individualized work schedule and not an alternative work schedule.*

\* Please note that although part-time employment is considered a type of AWS, it is not subject to this Approval Procedure.

## **D. Steps to Developing an Alternative Work Schedule Proposal**

### ***1. Preliminary Discussion with A&L Unit and GOER***

Agencies should consult with GOER and the A&L Unit when developing an AWS. Such preliminary discussions are particularly helpful in avoiding creation of alternative work schedules that violate the Attendance Rules, the negotiated agreements, and/or the Fair Labor Standards Act (FLSA).

Discussion with the A&L Unit may address questions about types of alternative work schedules and methods of implementing those schedules consistent with the Attendance Rules, negotiated agreements, and Fair Labor Standards Act. Discussion with AWS designees at GOER may address parameters for the alternative work schedule, such as the organizational units in which the schedule will be made available, work schedule issues, and guidance concerning consultation with the duly designated representatives of the State employees who will be affected by the AWS.

References: In developing an AWS proposal, agencies should refer to the discussion of Alternative Work Schedules in Section 20.1, Basic Workweek, of the Attendance and Leave Manual, and to Section E, *Contents of the Proposed Alternative Work Schedule*, below.

### ***2. When Filing is Required***

#### ***a. Complete Written Proposal***

Agencies must file complete AWS written proposals under the following circumstances:

- When creating a new AWS;

- When an agency seeks to extend an existing approved AWS to a new organizational unit not specifically covered in the original approval (for example, when seeking to extend to a field unit an AWS approved for the administrative unit); and
- When changing or adding the type of AWS (for example, replacing a staggered hours schedule with a compressed workweek schedule).

*b. Extension Request*

Agencies are not required to submit a complete written proposal when simply extending the time period of a current program beyond its scheduled termination date. In such cases, agencies are required to provide (1) a written statement to the A&L Unit advising them of the new period for the existing AWS; and (2) documentation confirming that union consultation has taken place.

### ***3. Filing Procedure***

*a. Submission of Draft Proposal*

To avoid AWS policies that violate pertinent rules, laws, or contractual provisions, agencies should submit draft AWS proposals for comments and suggestions prior to consultation with employee unions. Draft proposals are submitted to the A&L Unit for comments and suggestions. The A&L Unit will forward the draft proposal to the AWS designees at GOER for their comments and suggestions.

*b. Union Consultation*

Agencies proceed to consult with the unions as described in Section F, Union Consultation, below, after receiving comments and suggestions from the A&L Unit and AWS designees at GOER.

*c. Submission of Final Proposal*

Following union consultation, agencies **must** submit their final AWS proposal, along with confirmation of union consultation, for formal approval. The final proposal is submitted to the A&L Unit. Following their approval, the A&L Unit will forward the final proposal to the AWS designees at GOER for their review. Agencies will be notified of final approval by GOER.



Agencies must have final approval prior to implementing an AWS. Accordingly, agencies need to allow sufficient time for submission and review of both draft and final proposals.

If the proposed alternative work schedule involves creating new positions or reclassifying existing positions, the new AWS cannot be implemented until the position requests have been approved. See Section E(4)(b) *Cost Implications*, below.

## **E. Contents of the Proposed Alternative Work Schedule**

The proposed alternative work schedule should be submitted in the following format and agencies must include all of the elements described below:

### ***1. Type of Proposed Schedule***

Identify what AWS is proposed for adoption. The common forms of AWS are staggered hours, the compressed workweek, and the compressed pay period. Describe the proposed schedule including starting time, ending time, meal periods, number of workdays, etc. See Section C, *Types of Alternative Work Schedules*, above, for a description of types of alternative work schedules.

### ***2. Organizational Units and Positions Affected***

Identify what work units and positions will participate, including the number of employees. If the AWS will apply to the entire agency, describe any conditions for participation.

### ***3. Program Impact***

- a. Describe how the alternative work schedule will meet the goals described in Section B, *Background and General Policy*, above.
- b. Describe how it will meet the operational and programmatic needs of the agency.
- c. Describe how the alternative work schedule will be evaluated in relation to these goals and objectives and how it will be modified or discontinued if they are no longer being met. Describe how program improvements will be measured after the alternative work schedule is put into effect.

- d. Explain how adequate coverage will be maintained and how supervision will be maintained.

#### ***4. Cost Implications***

- a. Clarify the impact the proposal will have on personal service expenditures, fringe benefits, overtime, or other cost related items. AWS proposals which result in increased overtime costs or other increased operational expenditures are not consistent with the long-standing goal of the AWS program to generate additional efficiencies and are strongly discouraged.
- b. Identify the specific positions, if any, that the agency has requested be established, reclassified, or filled in order to implement the proposal. If the proposed change in work schedule involves creating new positions or reclassifying existing positions, the new work schedule cannot be implemented until the position requests have been approved in accordance with established procedures by the Department of Civil Service and the Division of the Budget. The requests for such positions should be filed simultaneously with the complete AWS proposal (See Section D(2), *When Filing is Required*, above).

#### ***5. Duration of the Program***

- a. Generally, when an agency is implementing a new AWS, or extending an existing AWS to a new organizational unit, it is appropriate to pilot the AWS for a short period of time to evaluate its consistency with operational and programmatic goals. If the agency is seeking approval for an AWS pilot, indicate the period of the pilot (usually six months or one year), evaluation plans for the pilot program and what happens when the pilot is over.
- b. The AWS proposal must have a beginning date and an end date (for example, a one-to-two-year period might be appropriate). Prior to the end date, the agency would determine whether the program should be discontinued, modified, and/or continued for a new time period. If modified, see Section D(2), *When Filing Is Required*, above to determine if a new AWS proposal must be submitted.

- c. The proposal should state that management retains the right to end or suspend the AWS prior to the termination date of the program in an emergency or where it is determined by management to be necessary in order to carry out the mission, purposes, objectives, and policies of the State.

### ***6. Administrative Implications***

Agencies must analyze and describe the administrative implications of the proposed AWS on agency policies.

- a. Describe the agency's policy regarding meal periods and rest periods and the impact of the proposal on such policies.

- b. Describe the agency's policy regarding tardiness penalties and the impact of the proposal on such policy.

- c. Describe the method the agency will use to maintain accurate time records under the proposed alternative work schedule. If the existing method is to continue, the agency should describe that method.

- d. Attach sample schedules and sample time cards for both overtime eligible and overtime ineligible employees. The time cards should also indicate the manner in which holidays will be treated.

The agency must show how the schedule works and must account for how employees charge leave credits. This must be done for both overtime eligible and overtime ineligible employees.

- e. Additional information needed to develop compressed pay period schedules is set forth below.

Overtime eligible employees on compressed pay period schedules must account for 37.5 or 40 hours in each workweek. Hours in excess of 40 in a workweek must be compensated at the overtime rate. Such employees on compressed pay period schedules with a 37.5 hour basic workweek could, for example, be scheduled to work five days/37.5 hours plus 2.5 additional hours credited as overtime compensatory time

in week 1 of a biweekly payroll period (five 7.5-hour days plus .5 hour of overtime compensatory time each day), and four days/37.5 hours in week 2 (four longer days totaling 35 hours in addition to charging, during those four days, the 2.5 hours of overtime compensatory time earned in week 1). Credits charged for days of absence in week 1 would correspond to the number of hours that fall within the employee's 37.5 hour basic workweek and the employee would not earn overtime compensatory time on that day. Credits charged for a day of absence in week 2 equal the number of hours the employee was scheduled to work on that day and any overtime compensatory time scheduled to be charged on that day.

Overtime ineligible employees on compressed pay periods must account for 75 or 80 hours each biweekly payroll period. They may exceed 40 hours in one of the two workweeks in a pay period as part of a compressed pay period schedule and be scheduled to work fewer than 37.5 or 40 hours in the alternate workweek so long as they are scheduled to work the required 75 or 80 hours in the biweekly payroll period. Credits charged for days of absence correspond to the number of hours the employee was scheduled to work on that day.

### ***7. Opt-out Procedures***

The AWS proposal should address whether employee participation in the proposed AWS will be optional or required and, once participation has begun, the circumstances under which an individual employee and/or a manager can terminate the employee's participation in the AWS.

- a. Clarify whether an employee's participation in the proposed AWS will be optional or required. If participation will be required, describe what provision, if any, is made for special circumstances.
  
- b. Once participation in the AWS has begun, describe the circumstances, if any, under which an employee and a manager may mutually agree to terminate or modify the employee's participation in the AWS at any time.
  
- c. Describe whether an employee may, at his/her option, terminate participation in the AWS and elect to return to a standard workweek. If so, describe the procedures that

need to be followed by the employee, including appropriate notice to management. If return to the standard workweek at employee option is permissible, describe whether the employee can elect to do so at any time or only during "open periods."

d. Describe the circumstances under which a manager, at his/her option, may elect to terminate an employee's participation in an AWS with appropriate notice.

### ***8. Employee Relations Implications***

When submitting the final proposal, agencies must confirm that consultation has occurred with responsible union representatives of the affected employees as described in Section F, *Union Consultation*, below. Include the name of the union(s), name(s) of union official(s) and union office of the union officials with whom consultation has been held and the outcome of that consultation, including issues raised. Any signed letters from the union(s) indicating their approval of the alternative work schedule must be attached to the written proposal.

Agencies are reminded to discuss employee relations implications with the AWS designees at GOER. Work Schedule revisions must be consistent with current contractual provisions regarding workday/workweek, where applicable and relevant.

### **F. Union Consultation**

Consultation with duly designated representatives of the state employees who will be affected by the work schedule must take place after the draft proposal has been reviewed by the A&L Unit and GOER and before the final proposal is submitted. See Section D(3), *Filing Procedure*, above. It is advisable to involve representatives of employee organizations at both the local and agency level in discussions leading to the development of alternative work schedules.

Based on GOER's analysis and/or relevant contract arbitration awards, the following should be considered as the proposed alternative work schedules are discussed with the employee organizations:

- Consultation should occur before management reaches their final decision.

- Consultation should be held with responsible agents of the employee organization, either local presidents/division leaders and/or field representatives.
- Consultation should include analysis and consideration of objections the employee organization may have to the proposed change and of alternatives they may propose.
- Records of the consultation should be retained, including the dates, names and union offices of the union officials with whom consultation has been held. Any signed letters of agreement obtained from the unions should also be retained.

Agencies are reminded that consultation with the unions must take place prior to filing an AWS proposal with the A&L Unit for final approval.

### **G. Monitoring Responsibilities**

The A&L Unit is responsible for monitoring alternative work schedules. Therefore, the A&L Unit is authorized to make such inspections and require such information from agencies as may be necessary to fulfill these monitoring responsibilities.

### **H. Revocation of Approval**

In the event it is determined that the policy and goals set forth in Section B, *Background and General Policy*, above, are not being achieved by a particular alternative work schedule arrangement, the A&L Unit and GOER may require that such schedules be discontinued.

## Appendix D – Responding Entities

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Addiction Services and Supports, Office of  
Agriculture and Markets, Department of  
Arts, Council on  
Attorney General, Office of  
Bridge Authority  
Canal Corporation  
Children and Family Services, Office of  
Corrections and Community Supervision, Department of  
Criminal Justice Services, Division of  
Economic Development, Department of  
Education, Department of  
Elections, Board of  
Employee Relations, Governor's Office of  
Environmental Conservation, Department of  
Financial Control Board  
Financial Services, Department of  
Gaming Commission  
Higher Education Services Corporation  
Housing and Community Renewal, Division of  
Human Rights, Division of  
Information Technology Services, Office of  
Justice Center for Protection of People with Special Needs  
Labor, Department of  
Lake George Park Commission  
Long Island State Veterans Home  
Medicaid Inspector General, Office of  
Mental Health, Office of  
Motor Vehicles, Department of  
Parks, Recreation and Historic Preservation, Office of  
People with Developmental Disabilities, Office of  
Public Employment Relations Board  
Public Ethics, Joint Commission of  
State, Department of  
State Comptroller, Office of the  
State Financial System  
State Insurance Fund

SUNY System Administration  
SUNY Albany  
SUNY Alfred  
SUNY Binghamton  
SUNY Brockport  
SUNY Buffalo  
SUNY Buffalo State College  
SUNY Canton  
SUNY Cobleskill  
SUNY Cortland  
SUNY Delhi  
SUNY Environmental Science and Forestry  
SUNY Farmingdale  
SUNY Fredonia  
SUNY Geneseo  
SUNY Maritime College  
SUNY New Paltz  
SUNY Old Westbury  
SUNY Oneonta  
SUNY Optometry  
SUNY Oswego  
SUNY Plattsburgh  
SUNY Polytechnic Institute  
SUNY Potsdam  
SUNY Purchase  
SUNY Stony Brook  
SUNY Stony Brook Hospital  
SUNY Upstate Medical University  
Tax Appeals, Division of  
Taxation and Finance, Department of  
Temporary and Disability Assistance, Office of  
Thruway Authority  
Transportation, Department of  
Workers' Compensation Board



## Notes

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<sup>1</sup> See New York State's Attendance and Leave Manual. 1992. Part 20, Section 1.

[https://www.cs.ny.gov/attend\\_leave\\_manual/020Attendance/20\\_1Rulespages-Basic%20Workweek.htm](https://www.cs.ny.gov/attend_leave_manual/020Attendance/20_1Rulespages-Basic%20Workweek.htm)

<sup>2</sup> See United States Office of Personnel Management. 2017. Workforce Information Index. .

<https://www.opm.gov/faqs/topic/workforceinfo/index.aspx>

<sup>3</sup> See American Sociological Association, 2016. Workplace Flexibility Benefits Employees.

<http://www.asanet.org/press-center/press-releases/study-workplace-flexibility-benefits-employees>

<sup>4</sup> See Society for Human Resource Management Survey Findings. 2014. Workplace Flexibility - Strategic Use of Flexible Work Arrangements.

<https://www.shrm.org/hr-today/trends-and-forecasting/special-reports-and-expert-views/Documents/Flexible%20Work%20Arrangements.pdf>

<sup>5</sup> See Office of Children and Family Services, Operations Manual for Training Vendors. 2013. New York State Agencies and Authorities Groupings.

[https://ocfs.ny.gov/ohrd/OMTV/OMTVfinal/NYS\\_GUIDELINES.PDF](https://ocfs.ny.gov/ohrd/OMTV/OMTVfinal/NYS_GUIDELINES.PDF)