

3 FAM 2330 HOURS OF WORK

*(TL:PER-475; 08-06-2003)
(Office of Origin: DIR)*

3 FAM 2331 GENERAL INFORMATION

3 FAM 2331.1 Authority

*(TL:PER-441; 04-17-2002)
(Uniform State/BBG/Commerce/Foreign Service Corps-USDA/USAID)
(Applies to Foreign Service and Civil Service Employees)*

Refer to 3 FAM 2330 Exhibit 2331.1.

3 FAM 2331.2 Purpose

*(TL:PER-441; 04-17-2002)
(Uniform State/BBG/Commerce/Foreign Service Corps-USDA/USAID)
(Applies to Foreign Service and Civil Service Employees)*

These regulations establish the basic and irregular workweek, alternate work schedules to include flexible and compressed work schedules, hours of work for Foreign Service officers (FSOs), Senior Foreign Service (SFS), part-time employees, and holidays for foreign and civil service employees.

3 FAM 2331.3 Definition

*(TL:PER-441; 04-17-2002)
(Uniform State/BBG/Commerce/Foreign Service Corps-USDA/USAID)
(Applies to Foreign Service and Civil Service Employees)*

Refer to 3 FAH-1 H-2332.

3 FAM 2332 RESPONSIBILITIES

3 FAM 2332.1 Principal Deputy Assistant Secretary (PDAS)/Deputy Assistant Secretary (DAS)

*(TL:PER-441; 04-17-2002)
(State Only)
(Applies to Foreign Service and Civil Service Employees)*

In the Washington, DC metropolitan area, the principal deputy assistant

secretary/deputy assistant secretary is responsible to establish a regular basic workweek in each bureau.

3 FAM 2332.2 The Office of Employee Relations (HR/ER)

(TL:PER-441; 04-17-2002)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

The Office of Employee Relations (HR/ER) is responsible to:

(1) Establish policies and procedures for the Department's alternate work schedules (e.g., credit hours, flexitour, etc.) and part-time employment programs;

(2) Respond to inquiries from domestic bureaus and/or posts abroad on these subjects; and

(3) Review Bureau plans, as needed, and provides guidance on work schedules.

3 FAM 2332.3 Executive Directors/Administrative or Principal Officers

(TL:PER-441; 04-17-2002)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

Executive Directors/Administrative or principal officers are responsible to:

(1) Establish a basic administrative workweek of 40 hours for each full-time employee in the bureau and/or post;

(2) Monitor flexible and compressed work schedules;

(3) Prescribe a different basic workweek of 40 hours for individual employees or groups of employees under that office's jurisdiction as needs of the office require;

(4) Establish special hours of work of not less than 40 hours to enable employees to take courses in nearby colleges, universities, or other educational institutions that will equip them for more effective work in the Department;

(5) Authorize the usage of flexible and compressed work schedules provided they determine the use of such schedules has the potential to improve productivity and/or provide greater service to the public;

(6) Identify positions which must be excepted from the provisions of this subchapter in order to carry out the mission of the Department; and

(7) Administer part-time and job-share employment.

3 FAM 2332.4 Managers and Supervisors

(TL:PER-441; 04-17-2002)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

Managers and supervisors are responsible to:

(1) Establish irregular basic workweeks at domestic locations and for employees abroad;

(2) Obtain approval from the Executive Office prior to implementation of flexible and/or compressed work schedules;

(3) Approve, in advance, a schedule for each employee working under an alternate work schedule; and

(4) Support requests for part-time and job-share employment if such requests can be reasonably accommodated.

3 FAM 2333 ESTABLISHMENT OF A BASIC WORKWEEK

3 FAM 2333.1 Establishing a Regular Basic Workweek

3 FAM 2333.1-1 General Rules

(TL:PER-441; 04-17-2002)

(Uniform State/BBG/USAID/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

A regular basic workweek will meet the following requirements:

(1) The basic workday is in multiples of 15 minutes;

(2) Assignments to days and hours of duty are scheduled in advance of an administrative workweek for periods of not less than 1 week;

(3) The basic 40-hour workweek is scheduled on five days, Monday through Friday, when possible, and the two days outside the basic workweek are consecutive;

(4) The working hours in each day in the basic workweek are the same;

(5) The basic non-overtime workday does not exceed eight hours;

(6) The occurrence of holidays does not affect the designation of the basic workweek, and days and hours of duty cannot be rescheduled either to permit or prevent the inclusion of holidays within the basic workweek; and

(7) Breaks in working hours of more than one hour may not be scheduled in any basic workday.

3 FAM 2333.1-2 Regular Basic Workweek at Domestic Establishments and Posts Abroad

(TL:PER-441; 04-17-2002)

(Uniform State/BBG/USAID/Commerce/Foreign Service Corps–USDA)

(Applies to foreign Service and Civil Service Employees)

a. Each domestic establishment and post abroad will establish the basic workweek for its employees. When possible, the basic workweek will be the same for all agencies at the same geographic location.

b. A basic workweek of 40 hours in length, which does not extend over more than six of any seven consecutive days, will be established for each group of full-time employees.

c. Whenever it is impracticable to prescribe a regular schedule of definite hours of duty for each workday, the first 40 hours of work performed within a period of not more than six out of seven consecutive days maybe established as the basic workweek. All work performed within the 40-hour period is considered regularly scheduled work for hours of duty and premium pay purposes. Additional hours of officially ordered work within that seven-day period will be treated as overtime.

d. All work performed within the first 40-hour tour is considered regularly scheduled work, as that term is defined in 3 FAM 3130, for hours of work and premium pay purposes. Additional hours of officially ordered or approved work within the seven-day administrative workweek are overtime work.

3 FAM 2333.1-3 Regular Basic Workweek for State – Washington, DC

(TL:PER-441; 04-17-2002)

(Uniform State/BBG/USAID/Commerce/Foreign Services Corps–USDA)

(Applies to Foreign Service and Civil Service Employees)

The regular basic workweek in the metropolitan area of Washington, DC, is eight hours a day, Monday through Friday, beginning at 8:15 a.m.

and ending at 5:00 p.m. with 45 minutes for lunch.

3 FAM 2333.2 Authority to Establish Irregular Basic Workweek

(TL:PER-441; 04-17-2002)

(Uniform State/BBG/USAID/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

a. Irregular basic workweeks may be established at domestic establishments or posts abroad whenever necessary because of:

- (1) Extremes of climate;
- (2) Local customs, traditions or practices;
- (3) Differences in time zones; or
- (4) Other factors requiring duty at irregular hours.

b. Irregular basic workweeks should conform to as many as practicable of the requirements listed in 3 FAM 2333.1-1. Irregular basic workweeks are not scheduled on more than six out of seven consecutive days.

c. Hours and days of work may not be rescheduled either to permit or prevent the inclusion or exclusion of holidays within the basic workweek.

d. The workday is in multiples of 15 minutes.

3 FAM 2333.3 Variation in Basic Workweek for Educational Purposes

(TL:PER-441; 04-17-2002)

(Uniform State/BBG/USAID/Commerce/Foreign Services Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

a. Each domestic establishment and post abroad may authorize an irregular basic workweek of not less than 40 hours to permit an employee to take one or more courses in a college, university or other educational institution when it is determined that:

- (1) The courses being taken are not training under 5 U.S.C. 4101-4118;
- (2) The rearrangement of the employee's basic workweek will not appreciably interfere with the accomplishment of the employee's duties;
- (4) Additional costs for personnel services will not be incurred; and

(5) Completion of the course will equip the employee for more effective performance.

b. The organization may not pay the employee any premium pay solely because the special workweek authorized under this section causes the employee to work on a day, or at a time during the day, for which premium pay would otherwise be payable.

3 FAM 2334 FLEXIBLE AND COMPRESSED WORK SCHEDULES

3 FAM 2334.1 Definitions

(TL:PER-475; 08-06-2003)

(Uniform State/BBG/USAID/Commerce/USDA-Foreign Service)

(Applies to Foreign Service and Civil Service Employees Only)

a. General provisions and information on establishing and using flexible and compressed work schedules may be found in 3 FAH-1 H-2330. For additional information contact:

- (1) State—Bureau of Human Resources, Office of Employee Relations;
- (2) Commerce—Office of Foreign Service Human Resources;
- (3) USAID—Office of Human Resources; and
- (4) BBG—Office of Personnel, Operations and Benefits Division.

b. Additional information may be also obtain on OPM Internet website.

3 FAM 2334.2 Authority to Establish Flexible and Compressed Work Schedules

3 FAM 2334.2-1 General

(TL:PER-441; 04-17-2002)

(Uniform State/BBG/USAID/Commerce/USDA-Foreign Service)

(Applies to Foreign Service and Civil Service Employees Only)

a. Flexible and compressed work schedules may be authorized for selected individuals, organizational components or for all employees in the organization.

b. Management may experiment with the use of these schedules, and subject to appropriate collective bargaining obligations, may revert to previous tours of duty if the determination is made that using such

schedules is not effective, efficient, or in the best interest of the organization.

3 FAM 2334.2-2 Obligation to Negotiate

(TL:PER-441; 04-17-2002)

(Uniform State/BBG/USAID/Commerce/Foreign Service Corps–USDA)

(Applies to Foreign Service and Civil Service Employees)

Where employees have exclusive representation, the establishment of flexible and compressed work schedules must be negotiated before implementation.

3 FAM 2334.3 Training

(TL:PER-441; 04-17-2002)

(Uniform State/BBG/USAID/Commerce/Foreign Service Corps–USDA)

(Applies to Foreign Service and Civil Service Employees)

An employee on a flexible or compressed work schedule may be required to convert to a traditional 40-hour workweek during pay periods in which he or she has training.

3 FAM 2335 HOURS OF DUTY FOR FOREIGN SERVICE OFFICERS (FSOs) AND SENIOR FOREIGN SERVICE (SFS)

3 FAM 2335.1 Basic Workweek

(TL:PER-441; 04-17-2002)

(Uniform State/BBG/USAID/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service Employees Only)

a. The workweek for Foreign Service officers (FSO) and Senior Foreign Service (SFS) is a 40-hour week, for the purpose of biweekly pay periods derived from per annum salaries, accruing and charging leave under chapters 3 FAM 3300, 3 FAM 3400, and 3 FAM 3500, and any other related purpose.

b. FSOs and SFSs are subject to working such additional hours over the 40 hours of the basic work week as the needs of the service require.

c. Foreign Service employees are eligible to participate in an alternate work schedule, which does not affect their basic workweek.

3 FAM 2335.2 Additional Compensation for Overtime

(TL:PER-441; 04-17-2002)

(Uniform State/BBG/USAID/Commerce/Foreign Service Corps–USDA)

(Applies to Foreign Service Employees Only)

Any additional hours FSOs and SFSs work in excess of the basic 40 hours cannot be legally compensated, either with premium pay or compensatory time off, except as provided by 3 FAM 3130.

3 FAM 2336 PART-TIME CAREER EMPLOYMENT PROGRAM

3 FAM 2336.1 Policy

(TL:PER-441; 04-17-2002)

(State Only)

(Applies to Civil Service and Foreign Service Employees)

a. The Department operates a part-time employment program consistent with its management responsibilities and the needs of its employees. Part-time permanent employment benefits the Department by:

- (1) Improving recruitment and retention of employees;
- (2) Increased productivity;
- (3) Lower turnover rates and absenteeism;
- (4) Offering management more flexibility in meeting work requirements and filling shortages in various occupations;
- (5) Assisting older employees in the gradual transition to retirement; and
- (6) Providing career opportunities to individuals who require a reduced workweek such as disabled employees, individuals with family responsibilities, students, and those returning to the workforce.

b. Part-time career employment is employment of an individual in the excepted or competitive service in a permanent position under a part-time work schedule of 16 to 32 hours per week. Part-time employment is not limited by grade or duties of a position, and may be utilized in professional, administrative, technical, clerical, and blue-collar positions.

3 FAM 2336.2 Exceptions and Exclusions

3 FAM 2336.2-1 Excluded Positions

(TL:PER-441; 04-17-2002)

(State Only)

(Applies to Civil Service and Foreign Service Employees)

a. The following are excluded from the Department's part-time career program:

(1) Positions in the Senior Executive Service (SES);

(2) Senior Foreign Service or higher or their equivalent; and

(3) Civil Service employees serving under time-limited appointments or otherwise serving on a temporary or intermittent basis.

b. Employees in excluded positions may serve in a part-time capacity but are not considered to be participants in the part-time employment program.

3 FAM 2336.2-2 Mixed Positions Excluded

(TL:PER-441; 04-17-2002)

(State Only)

(Applies to Civil Service Employees Only)

This subchapter does not apply to employees on a mixed tour of duty if that employee works no more than six pay periods per year on a part-time schedule. A mixed tour is one in which the employee works part-time during a portion of the year and full time and/or intermittent for the remainder.

3 FAM 2336.4 Part-time Employment Schedules, Leave, and Benefits

3 FAM 2336.4-1 Establishing a Part-Time Schedule

(TL:PER-441; 04-17-2002)

(Uniform State/USAID/BBG/Commerce)

(Applies to Foreign Service and Civil Services Employees)

a. A part-time permanent employee has a career or career-conditional appointment (or a permanent appointment in the excepted service), and works between 16 and 32 hours each week on a prearranged schedule.

b. A Form SF-50, *Notification of Personnel Action*, must be executed which shows the employee's biweekly part-time schedule. If the schedule

is changed or the employee is put on a full-time schedule, another Form SF-50 must be requested by the employing bureau that reflects the change. This ensures that the employee receives proper credit towards benefits including retirement.

c. A part-time employee must complete a part-time work agreement signed by the supervisor and the Bureau Executive Director. Agreements may be obtained from HR/ER/EP and when completed, are sent to HR/ER/EP for signature.

d. A part-time employee may work more hours than scheduled if needed, usually no more than two consecutive pay periods, and is eligible for compensation at his or her rate of basic pay for the additional hours if not exceeding 8 in a day or 40 in a workweek. The employee's overtime rate is payable for hours in excess of 8 in a day or 40 in a workweek.

e. A lunch break is not required if the employee's schedule is 7 hours or less in a workday.

3 FAM 2336.4-2 Leave and Holidays

(TL:PER-441; 04-17-2002)

(Uniform State/USAID/BBG/Commerce)

(Applies to Foreign Service and Civil Services Employees)

a. **Leave Accrual**—A part-time employee earns annual leave on a prorated basis depending on the number of hours worked per pay period:

(1) With less than 3 years of service, he or she earns one hour of annual leave for each 20 hours worked;

(2) With 3 but less than 15 years of service he or she earns one hour of annual leave for each 13 hours worked; and

(3) With 15 or more years of service, he or she earns one hour of annual leave for each 10 hours worked.

A part-time employee earns one hour of sick leave for each 20 hours worked, regardless of length of service.

b. Leave Use

(1) A part-time employee is charged sick and annual leave based on the number of hours in his/her scheduled workday or workweek. For example, an employee whose daily schedule is 6 hours will be charged 6 hours of leave for each full day's absence.

(2) A part-time employee is also eligible for Leave without Pay (LWOP), and the Family Medical Leave Act. See 3 FAM 3510, 3420, and 3530, respectively, for details.

c. Holidays

(1) If a holiday falls on a day the employee normally works, the employee is paid for the number of hours he/she was scheduled to work, not to exceed eight hours, except for an employee on a compressed work schedule.

(2) A part-time employee is not entitled to a holiday that falls on a day the employee is not normally scheduled to work.

3 FAM 2336.4-3 Benefits and Service Credit

(TL:PER-441; 04-17-2002)

(Uniform State/USAID/BBG/Commerce)

(Applies to Foreign Service and Civil Services Employees)

a. Retirement

Part-time service does not affect retirement eligibility. Each year of part-time service counts as one full year toward the length of service requirement. The annuity calculation for most part-time employees is prorated to reflect the difference between full-time and part-time service.

b. Health and Life Insurance

See 3 FAM 3610 and 3620.

c. A part-time employee earns a full year of service for each calendar year worked (regardless of schedule) for the purpose of computing dates for the following:

- (1) Retirement eligibility;
- (2) Career tenure;
- (3) Completion of probationary period;
- (4) Within-grade pay increases;

- (5) Within-class pay increases;
- (6) Change in leave accrual category;
- (7) Time-in-grade restrictions on advancement;
- (8) Time-in-class; and
- (9) Selection board consideration and promotion.

d. Part-time work is prorated for determining qualification requirements under Qualification Standards for General Schedule Positions. For example, an employee who works 20 hours a week would receive credit for 6 months of experience at the end of 12 months.

3 FAM 2336.5 Merit Promotion

(TL:PER-441; 04-17-2002)
(Uniform State/USAID/BBG/Commerce)
(Applies to Civil Service employees only)

Civil Service part-time employees are subject to merit promotion principles and the Department's merit promotion program (see 3 FAM 2310).

3 FAM 2336.6 Reduction in Force (RIF)

(TL:PER-441; 04-17-2002)
(Uniform State/USAID/BBG/Commerce)
(Applies to Foreign Service and Civil Service Employees)

a. In a reduction in force (RIF) in the Civil Service, part-time employees compete separately from full-time employees. A part-time employee can compete only for other part-time jobs and has no assignment rights to full-time positions. Similarly, a full-time employee has assignment rights only to full-time positions and cannot displace a part-time employee.

b. In a (RIF)in the Foreign Service, part-time employees compete as career members of the service with all other members of their competition group.

3 FAM 2336.7 Job-sharing

(TL:PER-441; 04-17-2002)

(Uniform State/USAID/BBG/Commerce)

(Applies to Foreign Service and Civil Service Employees)

a. A job-share is two part-time employees, each of whom work from 16 to 32 hours per week, and cover one full-time position. Part-time employees in a job-share arrangement receive the same benefits and are subject to the same limitations as other part-time employees. See 3 FAM 2336.4-1 through 3 FAM 2336.6 for further information.

b. Job-share Agreement

Each employee participating in a job-share must complete an agreement signed by the supervisor and the bureau Executive director. The agreement may be obtained from HR/ER/EP, and, when completed, must be forwarded to that office for approval.

c. Position Description

Each employee participating in a job-share must have a position description that accurately reflects his/her duties and responsibilities.

d. Scheduling Hours of Work

Each job-share partner cannot be regularly scheduled for less than 16 hours or more than 32 hours per week. Generally, the combined total hours of both job-share partners should not exceed 80 hours per pay period. However, in some circumstances, additional hours may be worked on a regular schedule or on an ad hoc basis. For example, the needs of the position may require the job-share partners to overlap hours, or in the absence of one job-share partner, the other partner may work additional hours.

e. Performance Appraisal

Each job-share partner must be appraised individually in accordance with 3 FAM 2810 (Foreign Service) or 3 FAM 2820 (Civil Service). The fact that the employee is part of a job-share is not relevant in the appraisal process. The employee must be appraised only against the standards established for him or her at the beginning of the appraisal period.

3 FAM 2337 HOLIDAYS

3 FAM 2337.1 Holidays for Federal Employees

(TL:PER-441; 04-17-2002)

(Uniform State/BBG/USAID/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

LEGAL PUBLIC HOLIDAYS	
New Year's Day	January 1
Martin Luther King, Jr.'s Birthday	Third Monday in January
Washington's Birthday	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans' Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

In addition to the above, any other day designated as a holiday by U.S. Federal statute or Executive Order.

3 FAM 2337.2 Determining Holidays

(TL:PER-441; 04-17-2002)

Uniform State/BBG/Commerce/Foreign Service Corps-USDA/USAID)

Applies to Foreign Service and Civil Service Employees)

a. When a U.S. Federal holiday falls on one of the employee's regularly scheduled workdays in the basic workweek, that workday is the employee's holiday.

b. When a holiday falls on an employee's non-work day, the employee's holiday will depend on the day on which the holiday falls, the employee's basic workweek, and on the days designated as the employee's "Saturday" or "Sunday," respectively.

c. For holidays designated by law to occur on Monday (i.e., Birthdays of Martin Luther King, Jr., and Washington', Memorial Day, Labor Day, and Columbus Day), employees at a duty post outside the United States whose basic workweek is other than Monday through Friday, and for whom Monday is a regularly scheduled workday, the legal public holiday is the first workday of the workweek in which the Monday designated for the observance of such holiday falls.

3 FAM 2337.3 Local Holidays

(TL:PER-441; 04-17-2002)

(Uniform State/BBG/Commerce/Foreign Service Corps–USDA/USAID)

(Applies to Foreign Service and Civil Service Employees)

See 3 FAM 3464.1 Paragraph 8.

3 FAM 2337.4 Implementing Procedures and Guidelines

(TL:PER-441; 04-17-2002)

(State Only)

(Applies to Civil Service Employees and Foreign Service)

For further guidance, please refer to 3 FAH-1 H-2330.

3 FAM 2338 AND 2339 UNASSIGNED

3 FAM 2330 Exhibit 2331.1 AUTHORITY

(TL:PER-441; 04-17-2002)

AUTHORITY	CONTENT
5 U.S.C. 301 and 22 U.S.C. 2651a	Authority of heads of agencies to prescribe regulations for the governing of their agencies, the conduct of their employees and the distribution and performance of business.
5 U.S.C. 3401 through 3408 and related provision of Pub. L. 95-437	Increased part-time career employment opportunities throughout the Federal Government.
5 U.S.C. Sections 5541 (XIV) and (XV)	Excludes Foreign Service Officers and Senior Foreign Service from the provisions of premium pay and regular compensatory time off.
5 U.S.C. Section 6101	Basic 40-hour workweek; work schedules; and regulations.
5 U.S.C. Sections 6103 and 6104	Legal holidays; observance of a holiday falling on Saturday and certain other non-workdays.
5 U.S.C. Sections 6120, 6121, and 6127 through 6133	Flexible and compressed work schedules.
5 U.S.C. Section 6126	Flexible schedules-credit hours
Executive Order 11582	Various situations regarding observation of holidays falling on a Sunday and certain other non-workdays.
22 U.S.C. Sections 3921, 3922 and 3926	Authority for the Secretary of State, and the heads of the other foreign affairs agencies to prescribe functions and obligations of regulations in relation to the duties, officers and employees of the Foreign Service and to administer the Foreign Service.