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	U· S· DEPARTMENT OF THE INTERIOR OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT DIRECTIVES SYSTEM	Subject Number: PER-1 Transmittal Number: 275 Date: 08/28/86

Subject: First 40 Hour Workweek Schedule

Approval: Ted L. Christensen **Title:** Director

1. Purpose. This Directive provides policy guidance for adopting a first 40 hour workweek schedule for all OSMRE employees performing minesite inspection and enforcement, audit, and other activities having a regular and recurring need to work irregular hours on a frequent basis.

2. Definitions.

First 40 Hour Workweek. First 40 hour workweek is defined as the first 40 hours of work performed within a period of not more than six days of the administrative workweek.

3. Policy/Procedure.

a. Assistant Directors, Field Office Directors and Administrative Service Center Chiefs are authorized to fix the hours of work for these employees to conform to a first 40 hour workweek schedule when it is not practical to establish a regularly scheduled administrative workweek and the revised schedule results in improved efficiency and actual dollar savings. Before adopting a first 40 hour workweek schedule, the above named officials should carefully consider other available options which are often easier to administer. One primary option is establishing different normal tours of duty for staff members with irregular work weeks as the norm.

b. Additional hours, beyond the "first 40," of permitted work (under provision of the Fair Labor Standards Act) or officially ordered or approved duty within the administrative workweek are overtime hours and shall be compensated in accordance with Directive No. PER-2 (Compensation for Overtime).

c. The purpose of this flexible work schedule is to permit employees who are required to complete work in progress by extending the workday beyond the normal eight hour work period. Carefully administered, the "first 40" work rule allows employees to plan work operations more efficiently and to limit travel time and per diem expenses by reducing the number of workdays. Appropriate use of a first 40 hour workweek schedule within OSMRE must result in cost benefit and administrative convenience to management. When employees are on a "first 40" schedule, work operations must be carefully planned to ensure

that an adequate number of employees are available throughout the standard workweek, i.e., eight hours per day, Monday through Friday.

d. Entitlement to overtime does not begin until 40 hours of work have been performed within the workweek. For example, an employee whose workday began at 8:00 a.m. and who worked 10 hours on Monday and Tuesday and eight hours on Wednesday and Thursday would complete a 40 hour workweek at noon Friday. Unless overtime had been ordered and approved in advance, this schedule would complete the employee's workweek. Supervisor should closely monitor employees on a "first 40" schedule to prevent inaccurate reporting. Further, care should be taken to ensure that nonexempt employees under the Fair Labor Standards Act (e.g., Surface Mining Reclamation Specialist, GS-5 (unless the employee spends 80 percent or more of his/her worktime in a representative workweek on administrative (technical) functions and work that is an essential part of those functions - in which case the employee is exempt) are not permitted to work beyond the first 40 hour schedule unless it is intended that they be paid overtime).

e. Travel associated with the performance of duties under a first 40 hour workweek schedule which is an integral part of and inseparable from the work itself is compensable as hours of duty.

f. It should be noted that employees are entitled to a one-half hour meal break for every six hours work period. Short rest periods may be granted during the daily tour of duty not to exceed 15 minutes during each four hours of continuous work.

g. Supervisors of employees on a first 40 hour workweek schedule will be responsible for ascertaining work schedules in advance and for being knowledgeable of the employees' travel itinerary. Significant deviations must be reported to the supervisor.

h. Employees must be notified in writing two weeks in advance of any change in their scheduled workweek. For payroll purposes, the name and duty location of employees affected must be submitted to the Bureau of Reclamation, Division of Payroll Operations, 7333 West Jefferson, Denver, Colorado 80235, one full pay period before a first 40 hour workweek schedule begins or terminates. Without this notification the payroll cannot be processed on a first 40 hour basis for the affected employees and this will result in "leave without pay" treatment of nonwork time during established tours of duty. Personnel Management Specialists in the Administrative Service Centers should also be advised by name and duty location of all changes in employee work schedules.

i. The adoption of a first 40 hour workweek for appropriate personnel is subject to the notification requirement contained in OSMRE's Delegations of Authority for Hours of Duty. Notification will include submission of the estimated cost savings.

4. Reporting Requirements. Notification to:

   a. Division of Payroll Operations (Bureau of Reclamation).

   b. Administrative Service Center Personnel Management Specialists.

   c. Assistant Director for Budget and Administration.

5. References.

   a. Federal Personnel Manual - OPM, Chapter 610.

   b. Department of the Interior, Departmental Manual, Part 370 DM 610.1.

   c. Directive No. PER-02 Compensation for Overtime.

   d. Directive No. PER-04 Application of FLSA to positions in the Office of Surface Mining Reclamation and Enforcement.

6. Effect on Other Documents. Replaces OSMRE Director PER 1, dated 12/28/79 and PER 1-1, dated 9/10/82.

7. Contact. Branch of Policy and Evaluation (202) 343-4656.