

# WORKLIFE ISSUES



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## WORKLIFE ISSUES

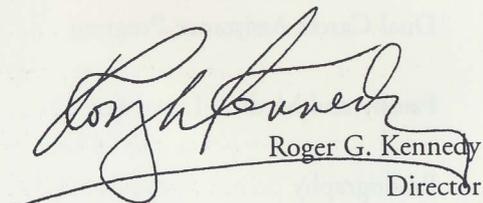
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## MESSAGE TO MANAGERS

The National Park Service's worklife policy reflects a major effort to acknowledge and appreciate employees as multi-dimensional individuals whose lives extend beyond their jobs. Worklife programs recognize the challenges employees face in balancing the competing demands of work and family in today's fast-paced, complex environment.

Each Superintendent or Manager is expected to determine the management practices necessary to address the unique needs of the operation. Implementation of worklife program options should in no way conflict with organizational work requirements; however, it is a sign of a good manager to be able to accomplish the mission while affording employees the greatest flexibility allowable. This Handbook gives you the tools needed to offer greater flexibility and support to employees while ensuring the effectiveness of operations. Along with other factors, this flexibility is considered essential to the Service's efforts to attract and maintain a high quality, highly motivated workforce.

In this era of declining budgets and limited staff resources, managers must adopt new methods of managing. We can not afford the luxury of continuing with customary management practices when other work options have been developed that can help improve the performance of the Service's mission.



Roger G. Kennedy  
Director  
National Park Service

## INTRODUCTION

In today's work environment, increasing attention is being given to the need for all employees to balance their work and personal lives. This trend is being seen in the private as well as public sectors. The changing demographics of today's workforce have greatly influenced the needs and expectations of our human resources. More couples have careers outside the home, an aging population, and a mini baby boom, have combined to change personal/family needs into a worklife issue.

For the National Park Service to efficiently and effectively fulfill its many responsibilities, it is imperative that it attract, motivate, and retain a highly qualified workforce. There appears to be no doubt that competition between work and family life is indeed a reality for many National Park Service employees. If the Service fails to adequately respond to these needs, it will be at a competitive disadvantage in its ability to retain a highly qualified workforce.

The need to address these issues was recommended in the National Performance Review. An Executive Order, dated July 11, 1994, was issued that states

*"...each agency is hereby directed to establish a program to encourage and support the expansion of flexible family-friendly work arrangements, including: job sharing; career part-time employment; alternative work schedules; telecommuting and satellite work locations. Such a program shall include:*

- *identifying agency positions that are suitable for flexible work arrangements;*
- *adopting appropriate policies to increase the opportunities for employees in suitable positions to participate in such flexible work arrangements;*
- *providing appropriate training and support necessary to implement flexible work arrangements; and*
- *identifying barriers to implementing this directive and providing recommendations for addressing such barriers to the President's Management Council."*

In response to this challenge, and recognizing the needs of its own workforce, the National Park Service has identified a combination of ben-

efit programs that can assist employees in meeting their personal needs and obligations while still becoming or remaining a productive member of the workforce. Taken collectively, these programs are often referred to as "work and family" benefits. They potentially impact all employees.

### **Worklife Policy Statement**

Today's workforce is made up of singles, single parents, single and dual career couples, dual career couples with children, step-families; any of these combinations with disability or impairment, any of these combinations with dependent adult(s), and any of these combinations by age, socio-economic, or career group. Pressures to meet the demands of family, work, continuing education, volunteer and charitable activities, spiritual pursuits, and recreation offer one of the greatest challenges for the 1990's.

The Worklife Program is one of those critical tools that will offer flexibility to both the manager and the employee. Managers are encouraged to become familiar with worklife options and to seek out situations where worklife alternatives can be used. Each Superintendent or Manager is expected to determine the management practices necessary to address the unique needs of the operation. Implementation of the worklife program options should in no way conflict with organizational work requirements. It is a sign of a good manager to be able to accomplish the mission while affording employees the greatest flexibility allowable.

The Service endorses a sound and comprehensive Worklife Program, and believes it will meet the following objectives:

- assist employees in balancing the pressures of work and personal life;
- encourage employees to maintain higher performance levels and demonstrate a commitment to job responsibilities;
- foster a cooperative environment between managers and employees;
- improve employee morale; and
- attract, retain, and motivate a highly qualified and productive workforce.

### **Implementation of the Worklife Policy**

Use of comprehensive worklife programs in the private sector has shown concrete results. Companies with programs report savings in recruitment and training costs, less absenteeism and tardiness, and

improved productivity, employee morale, and loyalty to the organization. Interestingly, businesses that have had to downsize to remain viable in the 1990's have, at the same time, increased the scope of their worklife programs for the remaining workforce.

The National Park Service is acknowledging in this policy its commitment to offering worklife alternatives as an effective management tool. The Service wants to provide a supportive work environment that makes the lives of the Service's most important resource — its employees — productive, flexible, and enjoyable.

The implementation of all of these worklife options will require thoughtful reflection, trust and accountability. It will also require ongoing discussions between supervisors and employees. Many options (such as Family and Medical Leave) are available for all employees. Participation in other aspects of the Worklife Program (such as alternative work schedules) is a management option and should not be viewed as an employee entitlement. Managers should carefully assess each situation and use as much flexibility as possible when making such decisions.

The needs of the Service, as well as individual accountability, must be carefully considered when deciding the appropriateness of implementing worklife options. For example, occasional and specific use of official time may be granted to all interested staff who wish to attend a dependent care fair. Other worklife alternatives, such as flexiplace and alternative work schedules, will be suitable only for employees who meet specific job and performance criteria.

Supervisors will need to consider which employees demonstrate work habits most compatible with the requirements of the requested alternative. In deciding the suitability of employees and their positions for specific options, the supervisor should make well thought out decisions considering an employee's performance level, productivity and work quality; demonstrated initiative and self-discipline in work practices; and work assignments.

Employees wanting to participate in optional worklife alternatives have the responsibility for maintaining good performance, conduct, and attendance records. Employees also need to take the initiative for providing the supervisor with a well thought out approach for implementing a particu-

lar worklife alternative. Supervisors are encouraged to identify situations where Worklife Program alternatives offer an opportunity to enhance the performance of the organization while increasing the quality of life of the employee.

### **Worklife Coordinator**

Parks, National Service Centers, System Support Offices, Field/WASO offices will appoint a Worklife Coordinator to assist supervisors and employees in making use of the various parts of the Worklife Program. This collateral duty may be assigned to any employee in any area of the organization.

The role of the Worklife Coordinator includes, but is not limited to:

- serving as a focal point within the organization for Worklife Program activities;
- increasing manager and employee awareness of worklife policies and options, and the benefits of using worklife options as effective human resource tools;
- helping to reduce the confusion by ensuring that policies and procedures are clearly communicated to managers and employees; and
- encouraging supervisors to seriously consider the benefits of the Worklife Program options available to them.

## **LEAVE**

There are two basic types of leave — with pay and without pay. There are several types of paid leave, but the two most commonly taken are annual leave for vacation and necessary personal business and sick leave to cover illness or visits to doctors, dentists, to care for family members who are ill, etc. Leave is charged only when you are absent from your scheduled work — not on your days off or paid holidays.

Denial of a leave request or cancellation of approved leave normally needs to be based upon the necessity for the employee's services. Leave must not be denied or canceled for arbitrary or capricious reasons. Denial or cancellation of leave is not disciplinary in character and must not be used as a punitive measure.

### **Annual Leave**

Full-time and part-time employees of the Federal government earn annual leave to be used for authorized absences from work for vacations and other personal or emergency situations without loss of pay. Although employees are entitled to use annual leave, the supervisor must consider work requirements as well as the personal needs of the employee. He/she approves or disapproves specific leave requests according to the workload, the amount of time requested, and the requests of others in the work unit. Except in emergencies, annual leave must be requested in advance. Full-time employees accrue annual leave according to their length of service.

### **Sick Leave**

Sick leave can be used for medical appointments, including illness, injury, pregnancy, or medical confinement.

The *Federal Employees Family Friendly Leave Act* (Public Law 103-388, enacted on October 22, 1994) expands the use of sick leave by permitting employees to use sick leave to care for ill family members and for bereavement purposes.

Full-time employees may use up to 40 hours of sick leave each year to care for a family member as a result of physical or mental illness; injury;

pregnancy; childbirth; or medical, dental, or optical examination or treatment. The sick leave can also be used to make arrangements after the death of a family member or to attend the funeral of a family member. Full-time employees who maintain a balance of at least 80 hours of sick leave may use an additional 64 hours of sick leave each year, for a maximum or 104 hours (13 work days) each year.

Part-time employees or employees with an uncommon tour of duty may use the number of hours of sick leave normally accrued during a leave year.

The Act also eliminates the 3-year limitation on the re-accredit of sick leave when an employee has left the federal government and then comes back into the federal workforce.

### **Advancing Leave**

Under certain circumstances, an employee may be granted annual or sick leave before it is actually earned. A request to advance leave must first be approved by your immediate supervisor before it is forwarded to higher approval levels. Leave may not be advanced to meet the 80 hour requirement under the Family Friendly Leave Act.

### **Other Leave**

Court duty, military leave, blood donations, and voter registration may be charged to what is called administrative leave with no loss of pay or charges to annual leave for the employee. Your servicing personnel office can provide more information about these kinds of leave.

Employees may use up to 7 days of administrative leave each year (in addition to sick or annual leave) to serve as a bone marrow or organ donor.

Federal law enforcement officers or firefighters can be given administrative leave to attend the funeral of a fellow law enforcement officer or firefighter. Attendance at the funeral is to be considered official duty. The local unit may pay the employee's travel, transportation, and subsistence expenses as provided by the travel regulations.

### **Absence Without Leave (AWOL)**

If you are absent from your work without authorized leave (i.e., not approved by your supervisor), you are AWOL and in a non-pay status. An AWOL charge results in loss of pay during the absence and may result in disciplinary action including termination.

### **Leave Without Pay (LWOP)**

Upon your request, you may be granted leave without pay — approved absence from duty without pay. Your supervisor may authorize LWOP to allow you to pursue training beneficial to the agency, to recover from illness or disability, to sustain your employee status and benefits pending action of disability retirement claims or injury compensation, or to care for a sick family member. However, LWOP is granted at the discretion of management.

LWOP can be granted for any number of reasons. The decision to approve LWOP is discretionary on the part of the supervisor and may be granted for up to a one year period.

Supervisors are **required** to grant up to 12 weeks of LWOP during every 12 month period for reasons such as serious health condition, birth or adoption of a child, or care of a sick family member. This requirement to grant up to 12 weeks of LWOP is mandated under the FMLA. See Appendix A for detailed information about this Act.

While you are in LWOP status, you will continue to be covered by health and life insurance benefits for 365 days. You must reimburse the agency for your share of the cost of health benefits. You should contact your servicing personnel office for information concerning changes in health and life insurance benefits during LWOP. In addition, certain periods of LWOP will have an impact on within-grade increase waiting periods and service credit for retirement, leave purposes, etc.

### **Leave for Maternity/Paternity/Adoptive Purposes**

If you are a female employee, you may request that any absence for maternity reasons be charged to your sick leave, or to a combination of your sick leave, annual leave, and leave without pay (LWOP), depending on your situation. You may use your sick leave when pregnancy actually

prevents you from performing your duties. Also, you may request additional time off, either as annual leave or LWOP preceding the birth of your child.

Male employees may request sick leave (in accordance with the Family Friendly Leave Act), annual leave or LWOP to care for a newborn child or the mother during her recovery or a sick child. Both parents may request leave without pay or use annual leave to care for a child.

Leave may also be granted to prospective parents for the purpose of executing adoption proceedings or for caring for the newly adopted child. The *Federal Employees Family Friendly Leave Act* allows employees to use sick leave for adoption of a child, including appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed. The employee must provide documentation for the amount of sick leave used, showing the time was for the purpose of proceeding with the adoption.

Sick leave can only be used during the adoption process itself. Sick leave can be used after the baby is home only if there is a medical problem, or if the court or adoption agency requires a parent to remain home with the baby for a certain time period. If parents wish to remain home with the baby, they may use regular annual leave, LWOP, or Family and Medical Leave may be claimed.

If an employee adopted a child between September 30, 1991, and September 30, 1994, a written request must be made by September 30, 1996, to substitute any accrued and accumulated sick leave for annual leave used for adoption related purposes.

### Leave Transfer (Sharing) Program

The *Federal Employees Leave Sharing Amendments Act, 1993* (P.L. 102-103) permanently established the Voluntary Leave Transfer Program (often called "leave share") for the Federal government. Employees experiencing a medical or a family medical emergency who have used all of their available leave can receive donations of **annual** leave from fellow employees to help offset the hardship resulting from the medical emergency.

All agencies are required to have a Leave Transfer Program that permits all employees to participate. It also permits the leave recipients who use all

of the transferred leave to use the leave they earned while using the transferred leave.

The Senate report on leave sharing described how "Federal employees have no short-term disability coverage as such and must rely on sick leave alone for short-term illnesses and the disability provisions of the retirement systems for long-term illnesses." Given this situation, "In the absence of a short-term disability plan, leave sharing will close the gap in the federal worker's current disability insurance coverage for personal medical emergencies. It can also be used to allow employees to attend to seriously or terminally ill spouses and dependents."

The concept of the Leave Transfer Program is that if an employee has a medical emergency, other employees can donate their annual leave to that person so that he/she does not suffer a loss of income during the emergency. A medical emergency means a medical condition of an employee or a family member of an employee that will require the employee's absence without pay for at least 24 hours and will result in a substantial loss of income because of the lack of paid leave available to the employee.

Donations from employees in other agencies may apply in some cases. Contact your servicing personnel office.

The definition of family member by the Office of Personnel Management (OPM) and the National Park Service recognizes that there may be cases where the traditional concept of a family relationship is not applicable, yet a close relationship to the leave recipient exists that is equal to a family relationship. Some examples are: foster children, step-children, or an unrelated individual who has shared the same household in a family-like relationship with the leave recipient for a substantial period of time.

## ALTERNATIVE WORK SCHEDULES (AWS)

### Background

The basic workweek for a full-time National Park Service employee is a 40-hour week — 8 hours a day, 5 days a week. For part-time employees (16-32 hours/week), a basic work week means the officially prescribed days and hours within the workweek that they are regularly required to be on duty. Although most NPS employees work this traditional schedule, alternative work schedules (AWS) are being used more and more in the Service for a variety of reasons.

Alternative work schedules were first introduced in the federal government in 1979 as an experiment and became a permanent program in 1985. An OPM study showed that AWS is generally successful and has relatively few drawbacks in productivity, service, or cost. In many instances AWS showed beneficial effects by increasing hours of service or productivity. These schedules may assist employees in meeting personal needs and enhancing employee satisfaction. AWS can make NPS operations more efficient, help improve the quality of life for NPS employees and their families, decrease traffic congestion, and reduce levels of energy consumption and air pollution.

AWS enables managers to meet their program goals while, at the same time, allows employees to be more flexible in scheduling their activities. AWS permits employees to adjust their work schedules to accommodate car pooling, public transportation schedules, and changing personal and professional priorities. As employees gain greater control over their time, they can balance work and personal responsibilities more easily, become involved in volunteer activities, and take advantage of educational opportunities. AWS programs are also useful recruitment and retention tools.

Since 1984 it has been the policy of the National Park Service to implement alternative work schedules whenever and wherever appropriate.

### Schedules

The two basic kinds of AWS are flexible and compressed. Depending on the nature of the work, AWS may or may not be feasible for an employee's tour of duty. Requests for alternative work schedules should be made directly to, and approved by, the supervisor in coordination with servicing personnel office procedures.

#### *Flexible Work Schedules*

A flexible work schedule is a biweekly work requirement that allows an employee to determine his/her own schedule within the tour of duty limits set by the organization. The types of flexible schedules vary greatly. In some flexible schedule programs, employees may earn "credit hours" for any hour over the basic work requirement. A maximum of 24 credit hours may be carried over from one pay period to the next. Organizations may allow employees to vary their starting and ending time daily (flexitime) or to keep to a predetermined fixed starting and ending time (flexitour). The pay period must still add up to a total of 80 hours worked for full-time employees.

**Flexitime** is a flexible schedule that includes an 8-hour day, 40-hour week, and 80-hour pay period. The employees' arrival and departure times may vary from day to day within a flexible band at the beginning and end of each day. Each day will include set core hours during which all employees scheduled to work that day must be on the job. A lunch period must be taken mid-day, or mid-shift, and be at least 30 minutes long. The lunch period may be as long as 2 hours and may vary in length from day to day, provided the daily schedule totals 8 hours of work time excluding the lunch period.

**Flexitour** is a fixed schedule that does not vary from day to day. The arrival and departure times are according to a set, written schedule requested by the employee and approved by the supervisor in advance. The schedule includes 10 workdays in each pay period. Each workday is 8 hours in length excluding the scheduled lunch period. A lunch period must be scheduled mid-day, or mid-shift, and be at least 30 minutes long. The scheduled lunch period may be as long as 2 hours, provided the schedule still includes 8 hours of actual work time, excluding the lunch period. Once the schedule is approved, the length of the lunch period is

fixed and must be the same length each workday. The pay period will also include 4 non-workdays. This schedule is different from the normal eight-hour schedule because the scheduled arrival and departure times do not have to coincide with the traditional 8-hour schedule and the employee may schedule a lunch period longer than the minimum 30-minute lunch period. This schedule, subject to supervisory approval, may consist of any combination of 10 workdays in a pay period.

Each office using a flexible schedule in which arrival and departure times vary daily for employees must be able to certify time for pay purposes. Sign-in/sign-out sheets are one of the ways authorized by OPM to meet this requirement.

#### *Compressed Schedules*

Under a compressed work schedule, full-time employees can complete their 80-hour biweekly work requirement in less than ten 8-hour days. The tour of duty for employees under compressed schedules is a fixed schedule established by the organization. The two most common compressed schedules are the "4-10" and the "5-4/9" schedules.

By law, a compressed work schedule may not be mandated as the sole option for tour of duty hours in a non-bargaining unit unless a majority of employees in the organization vote to adopt a compressed work schedule. In organizations where employees are represented by an exclusive representative (union), only those employees in the bargaining unit are bound by the negotiations establishing the compressed schedule program. Also under the law, any employee who would have a personal hardship if under the compressed work schedule is excluded from the program.

Flexible time does not exist under a compressed schedule. The times of arrival and departure for each day are set in advance by the written tour of duty and don't change. Overtime is paid for any hours worked outside the established schedule.

**"4-10" Schedule** is a compressed schedule that does not vary from day to day. The arrival and departure times are according to a set, written schedule requested by the employee and approved by the supervisor in advance. The schedule includes 8 workdays in each pay period. Each workday is 10 hours long excluding the scheduled lunch period. A lunch period must be scheduled mid-day or mid-shift, and be at least 30 min-

utes long. The scheduled lunch period may be as long as 2 hours long, provided the schedule still includes 10 hours of actual work time, excluding the lunch period. Once the schedule is requested and approved, the length of the lunch period is fixed and may not vary from day to day. The pay period will also include 6 non-workdays. A ten-hour schedule may not include any combination of half-days or workdays of less than ten hours.

**"5-4/9" Schedule** is a compressed schedule where the arrival and departure times are according to a set schedule requested by the employee and approved by the supervisor in advance. The schedule includes 9 workdays in each pay period. Eight (8) of the workdays are 9 hours long and 1 workday is 8 hours long. A lunch period must be scheduled mid-day, or mid-shift, and be at least 30 minutes long. The scheduled lunch period may be as long as 2 hours, provided the schedule still includes 9 hours of actual work time on 8 days and 8 hours on one day, excluding the lunch period. Once the schedule has been approved, the length of the lunch period is fixed and must be the same length each workday. The pay period will also include 5 non-workdays.

#### *Other Schedules*

**"First-forty"** is a flexible schedule in which starting and ending times, as well as the number of hours in a workday may vary. The schedule still includes a 40-hour week, and 80-hour pay period. A break must be taken at least every 6 hours. Overtime is paid for any hours worked over 40 hours in a week.

**Flexible-Compressed Schedule (Maxi-Flex)** is a schedule with a minimum of 80 hours of work time within each pay period. The arrival and departure times may vary from day to day within a flexible band at the beginning and ending of each day. Each day will contain set core hours when all employees scheduled to work that day must be on the job. A lunch period must be scheduled mid-day, or mid-shift, and be at least 30 minutes long. The scheduled lunch period may be as long as 2 hours and may vary in length from day to day, provided the schedule totals 80 hours of work time in a pay period.

Employees who fail to complete 80 hours of work time in a pay period must use (subject to supervisory approval) either annual leave, sick leave

(as appropriate), accrued credit hours, accrued compensatory time, or leave without pay to complete the 80 hour requirement of each pay period. Forms of these schedules are sometimes referred to as "variable day" or "variable week" schedules.

An employee may work more than 80 hours in a pay period and accrue credit hours. Credit hours accrued should be recorded on the employee's Time and Attendance Report. Credit hours may be carried over to the next pay period and may be used in the same manner as annual leave, when approved by the employee's supervisor. A full-time employee may carry over no more than 24 credit hours from one pay period to the next. A part-time employee may accumulate and carry over no more than one-fourth of the hours in his/her biweekly basic work requirement.

Credit hours are accumulated on a voluntary basis. An employee may not be ordered to work overtime and then be compensated with credit hours. Employees ordered to work overtime are entitled to overtime pay or compensatory time, subject to provisions of the Fair Labor Standards Act and Title 5, USC. Credit hours earned and not used, in excess of the 24-hour carry over limitation, are forfeited without compensation or right to restoration at the end of each pay period.

### **Other Pertinent Information**

#### *Premium Pay*

Premium pay shall be paid in the same manner as paid to an employee working under the traditional schedule, except that overtime pay and compensatory time shall be earned only for work assigned and worked (or permitted for FLSA nonexempt employees) outside the employee's approved alternative schedule (daily work requirement) or in excess of 80 hours in a biweekly pay period. Supervisors and time and attendance clerks must recognize the significant distinction between credit hours and compensatory time.

Employees on compressed schedules are entitled to Sunday premium pay or holiday premium pay for the number of hours they are scheduled to work on a Sunday or holiday. An employee on a 4-10 schedule who works on a holiday is entitled to 10 hours of holiday premium pay. An employee on a 5-4/9 schedule who works 9 hours on a holiday is entitled

to 9 hours of holiday premium pay. Employees on flexible schedules are entitled to eight hours of holiday premium pay if they work eight or more hours on a holiday. Hours worked over the regular eight hours are paid at regular overtime premium pay rates and should be worked only if specifically requested by a supervisor.

#### *Leave*

An employee may still request and use leave as usual. Leave is charged based upon the number of hours of leave used, as judged by the employee's schedule. If an employee uses a whole day of leave on a day that is regularly scheduled as a 9 hour day, then the employee is charged 9 hours of leave.

#### *Supervisor's Responsibilities*

It is the responsibility of the supervisor to assure that any approved schedules do not interfere with the mission of the organization which he/she supervises. The supervisor should carefully review each request for an alternative schedule and approve only those schedules appropriate to the work situation. If the supervisor approves an employee's request for a schedule and then later determines that the schedule is having an adverse impact on the work of the organization, the supervisor is required to take immediate action to either cancel or alter the schedule. The supervisor should advise the employee of the reasons for changing or canceling a schedule and provide the employee with reasonable advance notice of the change or cancellation.

A supervisor may assign any employee to an alternative schedule if the needs of the Service or organization are better served by the change. For example, if an organization currently has three eight-hour shifts which provide coverage 24 hours a day and the supervisor determines that the needs of the organization are better and more efficiently served with only two ten-hour shifts, the supervisor can assign all the employees to ten-hour schedules. The supervisor must, however, allow exceptions for employees with documented hardships. This type of change may also require bargaining with a union over the impact of the change, if the employees involved are in a bargaining unit (union).

The supervisor may cancel an employee's approved schedule at anytime because of the employee's irresponsibility or abuse of the procedures. The

employee may grieve the cancellation or disapproval of his/her alternative schedule through the appropriate negotiated grievance procedure or the Departmental administrative grievance procedure. An employee in a bargaining unit may not use the Departmental administrative grievance procedure.

Supervisors may suspend or terminate employees' participation in AWS to meet the office's needs. Examples of these needs are: special projects that require a "team" to work together on the same schedule, travel, training, and long-term leave of one employee impacting other employees to provide the coverage needed. Supervisors with employees covered by a bargaining agreement (union) should check with their labor relations staff for guidance.

Supervisors can exercise flexibility in managing an employee's work hours. If an employee knows in advance that he/she will have a need to report a bit later or leave a bit earlier on a particular day, he/she may request to modify the arrival time for that particular day (or other short period of time). Such requests should be treated the same as a request for leave.

#### *Employee's Responsibilities*

An employee may individually request to be placed on any of the alternative schedules approved for the employee's organization. An employee may only participate in an alternative work schedule plan with the approval of his/her supervisor. An employee's request for approval of an alternative schedule must be in writing and submitted to the employee's immediate supervisor. An employee's participation in alternative work schedules may be canceled at any time because of the employee's abuse of the procedures or irresponsibility. Remember, an alternative work schedule is a privilege, not a right.

#### *Administrative Workweek/Business Hours*

It is the responsibility of the manager to determine the hours during which the operation will be fully staffed and conducting business. Only those alternative schedules compatible with the unit's operating hours should be approved. For example, if a site is open to the public 8 a.m. to 6 p.m. daily, the site manager may determine that only schedules with arrival times no earlier than 7:30 a.m. and departure times no later than

6:30 p.m. may be approved. In a Field Area, the Area Director may determine that the administrative work week is 8 a.m. to 5 p.m., Monday through Friday, and that approved schedules may not start earlier than 7 a.m., nor end later than 6 p.m. and Saturdays and Sundays may not be scheduled work days.

#### *Labor Relations Aspects*

Wherever a union has been certified as the exclusive representative of NPS employees, the establishment, alteration, or termination of alternative work schedules is subject to collective bargaining between the NPS and the exclusive representative (Union). The AWS Statute specifically requires that employees in a bargaining unit may be included in an AWS program only to the extent expressly provided for in a collective bargaining agreement.

#### *Advantages*

Under AWS, employees gain the advantage of adjusting their hours of work to meet individual needs. They can adjust their schedules to meet day care needs, to join car pools, to commute with a spouse, or simply to take care of personal business. For example, under a flexitime schedule employees have the advantage of no fixed arrival time and can adjust their schedules for unexpected events such as weather, child care, transportation, or other problems, without notifying their supervisor first. The 5-4/9 compressed work schedule has different advantages. The extra non-work day every two weeks allows the individual to take care of many errands and personal business without using leave. It can also be used to allow parents extra time with their children, possibly reducing child care expenses. Use of sick and annual leave is reduced by scheduling appointments for the non-work day.

Under all of the schedules, employees are available in the office over a greater range of hours. This can be helpful in running visitor centers, operating a fee collection station, or providing patrol coverage. In many cases, increased productivity is also a significant benefit to the organization.

#### *Disadvantages*

The main disadvantage with any form of AWS is the difficulty in having adequate coverage within an organizational unit. While the extended

hours of operation will help provide service over a longer day, the depth of coverage is reduced. Having employees absent one day per pay period under the 5-4/9 schedule can make scheduling meetings difficult, especially if employees' non-work days are scattered throughout the week. This problem can easily be resolved by scheduling non-work days on Mondays and Fridays only. Conversely, if all or most employees are authorized the same non-work day, the supervisor is left with only a skeleton staff. Finally, under all of the schedules, there will be periods when the supervisor is not present, making AWS somewhat more difficult to administer than a uniform fixed tour.

To reduce the disadvantages of AWS, the following general guiding principle applies: supervisors will approve employee scheduling requests to the extent possible, while retaining the right to limit the degree of personal choice available when necessary to meet the organization's operating needs. Thus, supervisors may suspend or terminate employees' participation in AWS to meet the office's needs. Examples of these needs are: special projects that require a "team" to work together on the same schedule, travel, training, and long-term leave of one employee impacting other employees to provide the coverage needed. Supervisors with employees covered by a bargaining agreement (union) should check with their labor relations staff for guidance.

As a result, an employee is not guaranteed approval for a flexible work schedule if they request it. The supervisor must be able to manage workload requirements and provide for sufficient office coverage during the organization's official hours before granting a flexible work schedule request.

Employees can change their flexible work schedule; however, supervisors might wish to limit changes to 6-month intervals to reduce the administrative paperwork. However, an employee's needs may change significantly before the 6-month period elapses, warranting an exception to the 6-month policy.

## QUESTIONS AND ANSWERS ON ALTERNATIVE WORK SCHEDULES

**Q.** Can an employee change his/her schedule for a short period to accommodate special circumstances?

**A.** Supervisors can exercise flexibility in managing an employee's work hours. If an employee knows in advance that he/she will have a need to report a bit later or leave a bit earlier on a particular day, he/she may request to modify the arrival time for that particular day (or other short period of time). Such requests should be treated the same as a request for leave.

Each office using a flexible schedule (arrival and departure times vary daily) for employees must be able to certify time for pay purposes. Sign-in/Sign-out sheets are one of the ways authorized by OPM to meet this requirement.

An employee may request any day as the non-work day subject to the supervisor's approval. The supervisor will review all requests to see whether they all can be accommodated or whether changes must be made. For example, if too many employees want the same day off, changes will be necessary.

**Q.** How is leave charged?

**A.** An employee may still request and use leave as always. Leave is charged based upon the number of hours of leave used, as judged by the employee's schedule. If an employee uses a whole day of leave on a day that is regularly scheduled as a 9 hour day, then the employee is charged 9 hours of leave.

**Q.** What happens when an employee travels or attends training?

**A.** Most periods of travel or training are for short periods and can be accommodated without changing the compressed schedule. If the travel or training will conflict with the employee's scheduled non-work day, the employee's schedule can be altered to change the non-work day for that pay period. If the travel or training will be 5 days per week for an extended period, the employee may have to return to an 8 hour day schedule for the length of the travel or training.

**Q.** What if an employee on an alternative work schedule is promoted, reassigned, or detailed?

A. An employee who is working on an AWS and who is promoted, reassigned, or detailed out of his/her regular office will have to follow the schedule in effect in the new office. If the employee remains within the same office, he/she will have to discuss the impact of the AWS on the work requirements of the new assignment.

## FLEXIBLE WORKPLACE PROGRAMS

Flexible workplace, or telecommuting, refers to paid employment performed away from the office, either at home or at a satellite worksite, for an agreed-upon portion of the workweek. Work at home arrangements are designed to benefit the employee and the organization by meeting employee needs as well as management, organizational, and operational requirements. They also support the public effort to reduce pollution, traffic congestion, and energy consumption. The National Park Service supports the Flexible Workplace concept through two methods: the Temporary Work-at-Home Program and the Flexiplace Program.

The **Temporary Work-at-Home** program provides for a temporary work-at-home situation for a specified period of time to meet a particular need. This program may be used to accommodate employees who are recovering from illness or injury, or to allow for other temporary or occasional work-at-home arrangements.

The **Flexiplace** program provides for a continuing work-at-home situation. It provides for working at home for one or more days within a specified time period, or in an office very near home, rather than in the traditional office. Often, computers and modems are used to transmit data, information, and work products over the telephone. The amount of time spent working at home can vary from as little as one or two days each quarter to nearly full-time.

Program benefits include an increase in productivity, a reduction in turnover, and improved morale. Potential difficulties may be the scheduling of employee meetings and the decrease in face-to-face exchange of ideas, along with the fact that the home offices overlook the employee as a member of the team.

Extensive work-at-home is not for everyone. The work must be conducive to being done at home, there must be a reasonable means to measure productivity, and the employee must have a good work history and possess the right personal characteristics. Many employees may benefit from a small amount of time at home on a periodic basis. It could provide a means of finishing that report that never seems to get done, writing per-

formance appraisals, or working on that new program that's been on hold for such a long time.

The Federal government's pilot project demonstrated benefits for both the organization and for employees. Employees who are permitted to work at home a day or two each week are often more productive because the quiet environment where interruptions are minimized is more conducive to concentration and creativity. Participation in Flexiplace has allowed employees with health problems to continue providing valuable work contributions with less leave usage and little interruption to the work site. Other reported benefits include reduced stress levels for employees, increased efficiency, and reduced commuting time.

Supervisors report that they have benefited because employees take more responsibility for ensuring that office coverage is maintained, quality of work is maintained or improved, office morale increases significantly, and supervisor/employee communication is strengthened.

Participation in the Flexiplace and Temporary Work-at-Home programs is not an employee right. Employees may request participation in the programs, but management retains ultimate responsibility for determining if a position and employee are suitable for off-site work. Some considerations are the employee's reliability, work habits and performance; adaptation of the job to offsite work, etc. Management may not require an employee to work at home; employee participation **must** be voluntary.

Participants in the Flexiplace and Temporary Work-at-Home programs must certify their time and attendance for offsite hours on the time card. Participants who are recovering from illness or injury may not work overtime or earn credit hours under a flexible work schedule.

The National Park Service is not responsible for providing information on the following kinds of matters: zoning regulations and other covenants, home owner's insurance, Federal and state tax implications, etc. Participants are advised to inquire with the appropriate sources. The Temporary Work-at-Home and Flexiplace programs are viewed as an alternative work site and not a business operated from or based in the home. The employer-employee relationship exists with the National Park Service and work-at-home employees at the main work site, which is the official duty station.

**IMPORTANT NOTICE:** Day-to-day child care beyond the immediate newborn situation is specifically excluded from the program. Arrangements must be made for day-to-day child care so that there is no interference with work time.

## TEMPORARY WORK-AT-HOME PROGRAM

The Temporary Work-at-Home program is a flexible workplace arrangement that is approved on a short-term basis for a work or personal situation of limited duration. The program requirements involving the home work site are more relaxed than for longer flexiplace arrangements.

Examples of Temporary Work-at-Home situations include the following:

- Working at home while recovering from illness or injury or for temporary absences (such as pregnancy complications). In situations involving an employee's illness or injury, the employee must provide certification from the employee's physician. The certification must document the employee's illness or injury, specify the expected length of the absence, indicate that the employee is physically able to perform work at home, and identify any work restrictions, if any.
- Staying at home to care for an ill or temporarily disabled member of the immediate family. Time can be charged as work time only when the employee is able to devote full attention to performing official duties. Time devoted to family member care must be charged to appropriate leave. Medical documentation concerning the need for the employee to care for family members must also be obtained.
- Enabling employees to be taken off workers' compensation, either on a full-time or part-time basis.
- Working on individual projects that are conducive to being accomplished in a work atmosphere with fewer interruptions and not requiring excessive additional equipment to be permanently assigned to another work site.

Work can be done on an "as-conditions-permit" basis, and the time an employee does not work must be charged to leave. Work can also be done partly at home and in the office, depending on the employee's individual situation. The main issue is whether there is sufficient productive work

that can be done at home to occupy at least part of the employee's regular work schedule while away from the office. For those recovering from illness or injury, it may be feasible to assign special projects on a detail-type basis if normal work is not suitable for accomplishment away from the main work site.

The first-level supervisor reviews an employee's request for Temporary Work-at-Home situations and, if approval is recommended, submits the request through the appropriate management channels for concurrence and approval.

## FLEXIPLACE/TELECOMMUTING

Flexiplace/Telecommuting are flexible workplace arrangements that involve regularly working one or more days at home or in an approved office near the employee's home, rather than in the traditional office, sometimes using a computer, modem, and other equipment to perform the work and transmit data or information over telephone lines.

Potential uses of this program include (but are not limited to):

- Reasonable accommodation for employees with disabilities who may experience some difficulties traveling to and from work or working in a particular environment.
- Facilitate job sharing.
- Shared office space. Two employees work at home half-time and at the office half-time on alternating days.
- Dual career situations.

A Flexiplace work agreement covering the terms and conditions of the Flexiplace program is required for all participants. The work agreement reflects the willingness of the supervisor and employee to adhere to applicable guidelines and policies. For more information on the forms required, contact your servicing personnel office.

Participation in the Flexiplace/Telecommuting program is not a right. The supervisor is responsible for deciding if the position is one that is appropriate for off-site work and for examining both the content of the work and the performance of the employee. If the supervisor believes the Flexiplace arrangement is not working (for example, the employee's performance declines or the participation interferes with organizational needs), he/she has the right to end an employee's participation in the program.

### Guidelines for selecting employees, managers, and positions for Flexiplace

There are six basic factors to be considered by the employee's supervisor and managers before approving any Flexiplace agreement. The six factors are:

1. **Work Situation.** The primary consideration that must be taken into account is whether the duties performed by the employee in his/her

official position can be done at home or in a satellite office (i.e. Telecommuting Center) in a successful manner. If the work cannot be accomplished away from the main work site, no other factors need be considered.

2. **Employee Considerations.** To participate in a Flexiplace program, the employee's past performance and conduct must demonstrate the level of reliability, independence, responsibility, and trustworthiness necessary for successful performance away from the official workplace and on-site supervision.
3. **Work Measurement.** There must be a reasonable way for the employee's supervisor to assess the amount of work produced at home to make sure it is comparable to the work produced over a similar time at the main work site. Supervisors may measure employee productivity through review of completed work products, overall work statistics, etc. They may also visit the employee at the home work site during scheduled work hours, although such visits should be made on an appointment basis. The employee should be able to quantify the work, which may entail keeping a daily journal or checklist.
4. **Work Site.** The home or satellite office must be reasonably safe and conducive to efficient, productive work by the employee (refer to the flexiplace agreement for specific requirements of the physical space). The employee must be able to work without being distracted or interrupted by undue noise, child care responsibilities, visits from neighbors, friends, etc. Work-at-home arrangements are not to be used as an alternative to child or other dependent care responsibilities. Child care arrangements must be provided for.
5. **Telecommuting Sites.** Use of other office sites (i.e. GSA established Telecommuting Centers) for specific days per week may be an appropriate and cost effective flexiplace arrangement.
6. **Cost Effectiveness.** Any additional government costs for working at home beyond those for working at the official duty station must also be taken into account in deciding if a Flexiplace arrangement is beneficial to the government.

## Request and approval procedures

The first-level supervisor reviews an employee's request for a Flexiplace arrangement. If approval is recommended, the request is submitted through appropriate channels for approval.

Flexiplace work arrangements are initially approved for no more than 6 months. Upon an evaluation by the first-line supervisor that shows positive reasons for renewal, the arrangement may be renewed for no more than 1 year at a time.

## Work Schedules and Time and Attendance

The minimum time for duty at the home work station should normally be in full workday increments. The employee should normally be required to report to the official duty station at least one workday per pay period. Management will try to give a 24-hour notice of meetings requiring the employee's presence at the work site, but in an emergency or urgent work requirement, the call back may be immediate during working hours.

Holiday, Sunday, alternative work schedules, etc. rules and pay requirements apply the same as at the office work site. Overtime will not be granted for official work at home.

## Questions and Answers about Flexible Workplace Programs

**Q.** What types of jobs are suited for a flexible workplace programs?

**A.** The jobs most suitable include:

- Easily quantifiable tasks such as data processing, word processing, etc.
- Project-oriented tasks such as those that mainly require one to think and write (e.g. preparing or editing reports)
- Reading/processing tasks such as reading proposals and reviews, making funding decisions, conducting research, etc.

Some occupational examples include: Management and Program Analyst; Computer Programmer; Personnel Specialist; Classification Specialist; Technical Writer; Claims Examiner; Clerk-Typist, etc.

**Q.** What about these programs as a means to employ disabled persons?

**A.** The Temporary Work-at-Home and Flexiplace/Telecommuting programs are excellent ways to employ individuals with mobility impairments. Technological advances enable us to support the person with equipment that accommodates the individual's disability.

**Q.** How can I convince my supervisor that I should be allowed to work at home or a telecommuting center on a regular schedule?

**A.** Here are some tips:

- Look beyond the benefits to yourself; explain to your supervisor how it will benefit the organization.
- Start off small, such as suggesting a day or two a week.
- Be willing to be held accountable and to be your own boss. If you are not self-motivated, offsite work may not suit you.
- Create a track record of being reliable and producing quality work.
- Consider the possible effects on your co-workers and others. Your offsite work shouldn't impose on others by making their work more difficult.

**Q.** Does an employee have a right to work at home or a telecommuting site?

**A.** No. Participation in flexible workplace programs is not a right. Management decides if the position is one that is appropriate for offsite work and for examining both the content of the work and the performance of the employee. There is no automatic right of the employee to continue participation if there is a change of supervisor.

**Q.** How does a supervisor decide whether requests to participate in Flexiplace/Telecommuting should be approved?

**A.** Employees who would be considered successful candidates for Flexiplace/Telecommuting generally have a number of work-related characteristics in common, including such qualities as:

- A history of reliable and responsible discharge of work duties;
- A full understanding of the operations of the organization;
- The trust of his/her supervisor;
- Ability to establish priorities and manage his/her own time;
- A proven track record of personal motivation which is reflected in past performance ratings.

**Q.** Won't productivity decline if an individual is not being supervised onsite?

**A.** Private industry has found that productivity is often increased when an individual works offsite, partly because of fewer interruptions and distractions, and partly because the individual typically has a strong incentive to prove the benefits of offsite work to the employer.

**Q.** How does a supervisor monitor work performance when the employee is not physically present?

**A.** Work performance under the Flexiplace/Telecommuting arrangement is measured the same way it is in the office. Normally, this would involve:

- Assigning the project and outlining objectives.
- Setting a deadline or due date.
- Setting status report/meeting periods.
- Reviewing quality of work in progress and upon completion.

Measuring the employee's performance with prior onsite work history and with similar work being performed by onsite workers should allow the supervisor to judge the productivity of an employee in the flexible workplace program.

Flexible workplace programs need both good planning and good management to be effective.

**Q.** Should a specific schedule be set up for the offsite work?

**A.** Yes. A fixed and pre-set schedule of offsite work hours must be established before the employee begins working offsite. Temporary assignments or changes in work schedules may be made at management's discre-

tion to meet management needs or to accommodate an employee's request.

**Q.** What about the impact on the office when some employees are working offsite?

**A.** Before an employee begins to work offsite, certain guidelines must be established to lessen any adverse impact on other staff. The overall interests of the office must take precedence over working offsite. One person's offsite work should not adversely affect the performance of other employees. Flexiplace/Telecommuting should not put a burden on staff remaining in the office.

**Q.** What is the employee's official duty station?

**A.** The employee's official duty station is wherever he/she is performing his/her official duties. If an employee works 3 days at the office and 2 days at home, then his/her duty station is split between the two locations.

## PART-TIME EMPLOYMENT

Many workers, for many reasons, are interested in working a reduced schedule. These workers include parents with child care responsibilities, family members with adult dependent or elder care responsibilities, individuals with disabilities or health problems, or those who wish to pursue educational, volunteer, or other personal activities. Part-time employment may be the answer for many employees. More than 50,000 permanent Federal employees are working part-time in agencies across the country.

In 1978, Congress passed legislation that recognized and supported part-time career employment as a benefit to the Federal government and a benefit to society. By law, agencies are required to establish programs to expand part-time career employment opportunities. The government benefits because it provides management with the flexibility to meet work requirements. Society benefits because part-time employment may be an alternative for those who require or prefer shorter hours.

It is the policy of the National Park Service to provide part-time employment opportunities for positions in all grade levels subject to resources and mission requirements. The NPS policy recognizes the desirability of making maximum use of available human resources, including those qualified individuals who are available for part-time employment. This is also a way to acquire and retain talented workers who otherwise might not be available to the NPS.

Permanent part-time employees are limited by law in the number of hours that make up their work week. They may routinely work no less than 16 hours and no more than 32 hours each week. Management may increase the hours worked to more than 32 hours for no more than two consecutive pay periods when it is necessary to meet the mission of the NPS. Each manager decides where part-time jobs are appropriate and what work schedules will be set.

Increasing numbers of employees are requesting information on part-time positions. While many of them wish to leave their present jobs, some employees have determined that remaining in a full-time schedule is no longer acceptable. Family considerations are the most frequently raised issue. With more dual-career and single-parent households trying to man-

age both work and family priorities, and increasing pressures on employees to "do it all," part-time employment represents another human resources tool available to managers for attracting and retaining well-qualified and highly valued employees.

### Job Sharing

When two part-time employees voluntarily share the duties and responsibilities of a full-time position, the employees are "job sharing." Employees are given the opportunity to work part-time in positions where full-time coverage is required. Management gets extra flexibility with job sharing. Job-share team members may have different strengths and contribute in diverse yet complementary ways to the job. They are able to fill in for each other during absences, resulting in more consistent coverage of the duties. One or both may be able to work extra hours when there are unexpected workload surges, allowing the accomplishment of extra work without costly overtime.

No law or regulation limits job sharing to specific jobs or grade levels. Generally, a job-share team means two employees at that same grade level, but other arrangements are possible. There is no definitive list of jobs suitable for job sharing. Any job can be filled by a team of job sharers when the arrangement meets the needs of the National Park Service and the employees.

Job sharers are treated individually as part-time employees and are subject to personnel policies on that basis.

Experience suggests that successful members of a job-share team will be flexible, have good communication skills, be willing to consult and cooperate as members of a team rather than as competitors, and have a strong commitment to the job and making the job-share arrangement work well. They should have complementary skills, knowledge, and abilities, as well as compatible work styles.

## DEPENDENT CARE

Approximately 300,000 Federal employees have children of pre-school age. At least an equal number of Federal employees are estimated to have concerns about their elderly parents and relatives. Our country's elderly population continues to grow, and by the year 2030, persons 65 and over will make up 21 percent of our population. Additionally, the Federal workforce is aging — the average age as of December 1990 was 41.7 years. When problems in providing care come up, they can't be ignored or postponed until a more convenient time. So it is that dependent care responsibilities sometimes intrude on the world of work. When they do, both employees **and** managers must be prepared to respond.

How we deal with the needs of the people in our workforce represented by the general population's statistics may determine how successful the National Park Service will be in accomplishing its mission. Given the distraction that concern about a child's or a parent's care can have on an employee's ability to concentrate on work responsibilities, employees and managers can benefit from organizations providing some assistance to employees in the area of child and elder care.

### Child Care

Today, more than 11.3 million children under 6 years of age have working mothers, and the overwhelming majority of these children receive care outside the home. By the year 2000, 93 percent of the work force will be made up of working parents. Looking at these statistics, it is easy to see that the primary issue facing today's young families is child care. Young children require year-round, 24-hour care. Children get sick. Day care providers get sick, have emergencies, or resign. School is over at 3 p.m. Schools recess for holidays and summer vacations.

The accessibility and availability of quality child care on an ongoing or interim basis, both today and in the foreseeable future, is an issue that affects virtually every working parent. To the extent that these working parents are limited in their flexibility to respond to this issue, most of them will carry their unresolved concerns into the workplace.

Given the impact on their employees' ability to do their jobs, increasing numbers of employers are recognizing the importance of appropriate child care benefit programs. Child care is now at that critical point in time, where it is moving from luxury to economic necessity.

Before 1985, onsite child care centers were largely unavailable to employees of Federal civilian agencies. A major breakthrough occurred in 1985, when Congress specifically provided for the expenditure of public funds to provide space and services for child care facilities serving Federal employees. The "Trible amendment" was made permanent and codified into the United States Code in 1988, stating that any agency may use space in Federal buildings for child care services if:

1. Space is available;
2. The agency finds that the space will be used to provide child care services to a group of individuals of whom at least 50 percent are Federal employees; and
3. The agency finds that the group will give priority to Federal employees.

The law also goes on to state that the space being allocated under these provisions may be provided "without charge for rent or services."

The National Park Service's policy and guidelines on providing day care facilities is contained in Special Directive 85-1, "Day Care Facilities", dated April 8, 1985. Specifically, it is the policy of the National Park Service to "support and encourage the use of available space within government buildings for the development of non-profit day care facilities and services when interest is expressed by unit employees."

## Elder Care

To fully understand what elder care is, it is first important to understand what elder care is **not**—how does it differ from child care. Both elder care and child care are work and family benefit issues because they impact a work situation when employees provide care for their dependents. However, the demands placed on people with elder care responsibilities are very different from those with child care needs, as are the outcomes of providing that care.

Children grow up and take on increasing independence, thus lessening the need for child care. Elderly people, on the other hand, tend to grow

more dependent, especially as their health declines. There are fundamental differences in what is involved in actually providing elder care. Most child care "solutions" involve providing some type of supervision to children during part of the day when their parent(s) are working. This is not the case with elder care. There are a variety of levels of care needed, from only a modest amount of help on a regular basis, to intensive support for a limited period of time, to steadily increasing levels of support over a period of years. The help needed may happen suddenly as a result of a heart attack or stroke or hip fracture, or the need for help may develop gradually.

Meeting responsibilities in caring for an elderly person can be time-consuming and difficult. Needs may arise with little or no warning. In some cases this means finding someone to care for an elderly person while the caregiver is at work. In other cases, hospitalization or nursing care may be necessary. Often elderly parents live far away and resist their children's efforts to intervene in their care or living arrangement, making the task of finding services even more difficult and frustrating.

As the population ages and chronic, disabling conditions become more common, many more families will care for aged relatives. And because they delayed childbirth, more couples will find themselves "sandwiched" between child care and elder care.

Compared to the rest of the population, older people have more health problems. They may or may not be physically able to carry out their personal care and household chores, manage errands and get themselves to doctors and stores. They may need frequent emotional support, information and assistance for the activities of daily living, and/or help in obtaining any of these. Aging relatives may live nearby or at a long distance. Even very dependent relatives may not live with a family member who provides most of the care. Responsibility for providing assistance to an older person may be shared among spouses, children, and other family members.

NPS Special Directive 85-1 on "Day Care Facilities" also covers elder care under the term "day care," thus making it a justification for using available space in government buildings for developing non-profit day care facilities and services.

## Assistance Provided

The National Park Service is limited in how it can respond to employee child and elder care needs. Supervisors and managers are largely limited to assisting employees to do whatever they find necessary in the particular situation, rather than doing it for them.

The assistance comes in two forms: providing resource and referral information, and providing the time to arrange and monitor care. Where it is possible, one of the most useful and important benefits a manager can provide to employees with child or elder care needs is the option of taking additional time off from their jobs when dependent care requires it. When the situation involves a serious medical condition, the employee can use Family and Medical Leave. In other situations, annual leave, donated leave, and Leave Without Pay may be used. Alternative work schedules may also be used to help out in particular situations. Employees may also want to use the counseling offered as part of the Employee Assistance Program (EAP) to help them balance their family and work responsibilities.

Other than the possible specific assistance provided under Special Directive 85-1, the National Park Service will use the functions of the Worklife Coordinator to provide information on child care and elder care opportunities in the local area. The Worklife Coordinators will maintain a contact list available for interested employees.

## DUAL CAREER ASSISTANCE PROGRAM

The National Park Service recognizes that many couples in today's world desire dual careers and dual incomes. Managers are also realizing that it is critical to the success of the Service that they provide appropriate assistance to their employees and/or spouses to promote higher morale and to increase productivity.

It is the policy of the National Park Service to provide assistance and support to dual career couples by assuring that units establish support structures and information networks. Employees and/or their spouses are assured that they will receive full and fair consideration for available vacancies in units of the National Park System. Assistance and support will also be provided to those seeking non-NPS employment within commuting distance of NPS units.

Although the ultimate responsibility for securing employment rests with the individual, managers and supervisors are to make every possible effort to assist spouses in securing employment.

The Dual Career Assistance Program is available to any couple where at least one spouse works for the National Park Service. It is NOT limited to only those couples where both of the partners work for the National Park Service. It is also not limited only to the time of transfers or reassignments.

The policy on dual careers uses the word "spouse" as defined by the Department of Interior to mean "husband or wife, as defined or recognized under State law for purposes of marriage, including common-law marriage in States where it is recognized." In addition, this Handbook recognizes non-traditional relationships where an individual related by blood or affinity whose close association with the employee is the equivalent of a spousal relationship.

The current policy on dual career assistance was issued on March 22, 1994, and is spelled out in detail in Special Directive 94-2, Dual Career Assistance Program. The Special Directive lists management's responsibilities for implementing the program. The program includes a Dual Career Referral Program for spouses with career or career-conditional status with the Federal government. It also includes the position of Worklife

Coordinator to serve as each unit's ombudsman for providing local area information and as a contact for employees or applicants with questions concerning such issues as schools, dependent care, major local employers, etc.

Additional information on the Dual Careers Assistance program can also be found in the Dual Careers Brochure, available from either your local Worklife Coordinator or servicing personnel office.

## APPENDIX A

### FAMILY AND MEDICAL LEAVE ACT (FMLA)

#### Introduction

The purpose of FMLA is to allow employees to balance their work and family life by taking reasonable amounts of leave for medical and family-related reasons.

Accommodating employee leave needs will work best and produce the greatest payback in the long term when done in a spirit of cooperation, openness, and acknowledgment that both the employer and employee will benefit. By treating employees with concern and understanding of the stressful situations they face, and with a minimum of unnecessary requirements, supervisors and managers will find employees to be more loyal, dedicated, and productive, and a greater asset to their organization.

#### Policy

It is the policy of the National Park Service to be supportive of employees who are trying to balance the demands of the workplace with the needs of families.

#### Definitions

- **ACTIVITIES OF DAILY LIVING** include adaptive activities such as caring for one's grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, taking care of a home, using telephones, and using a post office.
- **CHILD** is someone under 18 unless he/she meets the legal definition of disabled.
- **CONTINUING TREATMENT BY A HEALTH CARE PROVIDER** includes one or more of the following situations where an employee or family member is:

- 1) treated two or more times for an illness/injury by a health care provider;
  - 2) treated two or more times for an illness/injury under the orders of, or on referral by, the individual's health care provider OR is treated for the illness/injury on at least one occasion resulting in a regimen of continuing treatment under the supervision of the health care provider; or
  - 3) is under the care of a health care provider, but may not be actively treated due to a serious long-term or chronic condition or disability that cannot be cured, e.g. Alzheimer's disease, severe stroke, or terminal stages of a disease.
- **ESSENTIAL FUNCTIONS** means the fundamental job duties of the employee's position, as defined in 29 CFR 1630.2.
  - **FAMILY MEMBER** means an employee's spouse, son, daughter, parent, parent-in-law, an individual who stood or stands in place of a parent, or an individual related by blood or affinity whose close association with the employee is the same as a spouse, son, daughter, or parent.
  - **INTERMITTENT LEAVE OR LEAVE TAKEN**  
INTERMITTENTLY means leave taken in separate blocks of time rather than for one continuous period of time, and may include leave periods of less than 1 hour to several weeks.
  - **SERIOUS HEALTH CONDITION** means an illness, injury, impairment, or physical or mental condition that involves:
    - 1) Any period of incapacity or treatment involving an overnight stay in a medical care facility;
    - 2) Any period of incapacity requiring absence from work, school, or other regular daily activities of more than 3 calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; or
    - 3) Continuing treatment/supervision by a health care provider for a chronic or long-term incurable or serious health condition; or for prenatal care.
  - **SPOUSE** means husband or wife, as defined or recognized under State law for purposes of marriage, including common-law marriage in States where it is recognized. The guideline also recognizes non-traditional relationships where an individual whose close association with the employee is the same as a spousal relationship.

## Entitlement to Leave

The Act requires the Federal government to provide up to 12 weeks of unpaid, job-protected leave during any 12-month period for one or more of the following reasons:

- 1) birth and initial care of an employee's child;
- 2) placement of a child with the employee for adoption or foster care and the initial care of that child;
- 3) care of a sick family member, as defined by the Department's guidelines on FML, who has a serious health condition;
- 4) when the employee cannot work because of a serious health condition.

Employees are to take only the amount of Family and Medical Leave (FML) needed to manage the circumstances that prompted the need for FML leave.

A father and a mother are **each** entitled to 12 administrative workweeks of unpaid FML for a birth, adoption, or foster care or for the care of a child with a serious health condition.

FML is in addition to annual leave, sick leave, advanced sick or annual leave, other leave without pay, leave made available through a leave sharing program, and compensatory time off or credit hours available to any employee. An employee must obtain approval and meet statutory requirements to take additional leave or other periods of time off.

An employee may elect to **substitute** paid time off — i.e. annual, sick, or compensatory time, for any of the 12 weeks of leave without pay under FMLA. An agency **may not** deny an employee's right to substitute paid time off or require an employee to substitute paid time off for LWOP under FMLA.

The employee must notify the supervisor of his/her intent to substitute paid time off for FML before the FML begins. An employee may not retroactively substitute paid time off for FML.

## Notice of Leave

If the use of FML is foreseeable based on an expected birth, placement for adoption, planned medical treatment, etc., the employee is to give

notice to the supervisor at least 30 days before the date the leave is to begin.

If the use of FML is based on planned medical treatment, the employee is to consult with his/her supervisor and make a reasonable effort to schedule the medical treatment to lessen the disruption to the unit's operations, subject to the approval of the health care provider.

If the need is not foreseeable and the employee cannot give 30 days notice of his/her need for FML, then notice is to be given within a reasonable time. Notice can also be given by an employee's personal representative, e.g. family member.

The 30-day notice requirement for FML does not apply to the use of other types of leave (annual, sick, LWOP). Current policies for granting annual, sick, and LWOP will continue to apply when an employee requests those types of leave.

### Supervisor's Responsibility

When an employee asks for FML, the supervisor is to tell the employee what his/her rights and obligations are under the Family and Medical Leave Act. Supervisors are also encouraged to give information and support on other Worklife programs which may assist employees in balancing their need to take FML and their job responsibilities.

### Invoking Family and Medical Leave Entitlements

An employee must **invoke** his/her entitlement to leave under the FMLA. Management may not require an employee to invoke entitlement to leave under FMLA.

An employee who meets the criteria for leave and has complied with the requirements and obligations under FMLA **may not** be denied family and medical leave.

An employee may claim his/her right to FML by giving notice in person, in writing, or by telephone, FAX, or other electronic means. In emergencies, notice may be given by an employee's family member, domestic partner, or other responsible party until the employee can contact his/her supervisor. FML must be documented on an SF-71 by writing "FML" in the Remarks block.

### Intermittent Leave or Reduced Leave Schedule

When medically necessary, the employee may choose to take FML intermittently or on a reduced leave schedule when caring for an eligible family member with a serious health condition or when the employee has a serious health condition. Situations may include those where the individual's health condition itself is intermittent, as well as where an employee is only needed intermittently because care is also provided by a third party. The employee must consult with the supervisor and make a reasonable effort to schedule treatment so as not to unduly disrupt the operations of the workplace, subject to the approval of the health care provider.

The employee must have his/her supervisor's approval to take intermittent or reduced leave for the birth or adoption of a child.

The supervisor and employee are encouraged to work together in developing a schedule that meets both the employee's family or medical needs and the supervisor's need to manage the work.

### Medical Certification

When an employee requests FML for him/herself or a family member because of a serious medical condition, a written medical certification issued by the health care provider is required. The Departmental Personnel Management Letter 94-1 (630) has a form which may be used to document the required information.

When the FML is to take care of a family member with a serious health condition, the following is also required:

- A statement from the health care provider that the eligible family member requires psychological comfort and physical care; needs assistance for basic medical, hygienic, nutritional, safety, or transportation needs or in making arrangements to meet such needs; and would benefit from the employee's care or presence;
- A statement from the employee on the care he/she will give and an estimate of the amount of time needed to care for the family member.

When the FML is for the employee's own serious medical condition, a statement from the health care provider indicating that the employee is unable to perform the essential functions of his/her position is required.

A supervisor may, at the Service's expense, require the employee to get a second opinion from a health care provider designated by the Service. To remain entitled to FML, an employee must submit to examination by the health care provider designated by the Service. While an employee is on FML, the supervisor may require, at the Service's expense, follow-up medical re-certification from the health care provider on a periodic basis, but not more often than every 30 days. Re-certification may be required more often than 30 days if there is a change in the circumstances requiring the use of FML by the employee.

When the employee returns to duty after being out on FML, a written medical certification that he/she is able to return to work may be required. A written medical certification is required for an employee who is in a position that has specific medical standards, physical requirements, or is covered by a medical evaluation program and who has been on FML because of his/her own serious medical condition. It is the supervisor's responsibility to tell the employee of this requirement before the employee begins FML. The Service may pay for obtaining the written medical certification to return to work. If the employee refuses to provide written medical certification when he/she returns to work, appropriate disciplinary or adverse action may be taken against the employee.

### Protection of Employment and Benefits

Any employee who takes FML is **entitled** to be returned to the same position held before taking FML. Only in the rare instances when returning the employee to the same position held before taking FML would cause extreme hardship on the Service, is the employee to be returned to an equivalent position with the same benefits, pay, status, work schedule, and other terms and conditions of employment as detailed in the Departmental PML 94-1 (630).

An employee, however, is not entitled to be returned to the same position if his/her employment was already scheduled to be terminated while the employee was out on FML. The National Park Service is not required to return the employee if his/her employment period has expired and the Service would not otherwise have continued to employ the employee.

Supervisors may require an employee to report on his/her status and intention to return to work. If the employee is not fully recovered when

he/she returns to work, the employee may request additional leave, including sick or annual leave, donated leave through the leave transfer program, advanced leave, and additional LWOP. The employee may also request a reassignment to a different position or work schedule that better meets the employee's needs.

The National Park Service is required to provide health insurance coverage to enrolled employees during leave periods. The Service will continue to pay the agency's share of the premiums. Employees on FML (or on regular LWOP) for less than 365 days have the option of paying their share each month they are on leave, or they may choose to pay their share after they return to duty.

### Labor Relations Aspects

The National Park Service will comply with any union agreement or employment benefit program or plan that gives greater family or medical leave entitlement to employees. The entitlement described in this Handbook and the Departmental Personnel Management Letter 94-1 (630) may not be lessened by any union agreement or any employment benefit program or plan.

### Employee Rights

The policies on Family and Medical Leave (FML) are to be administered equitably and without discrimination. Employees requesting, using, or returning from FML are not to be directly or indirectly intimidated, threatened, or coerced for the purpose of interfering with the exercise of their rights under the Family and Medical Leave Act.

If an employee believes that management has not fully complied with the rights and requirements of the Family and Medical Leave Act, the employee may file a grievance under the Department's administrative grievance procedures or a negotiated grievance procedure, if applicable.

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