



INTERNAL MANAGEMENT POLICY & PROCEDURE

Applicability: ☐ Adult Operation Only ☐ JUVENILE Operations Only ☒ DEPARTMENT-WIDE

IMPP #: 02-117D

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HUMAN RESOURCES: Use and Review of Flex Time and Adjusted Work Schedules

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Approved By: , **Secretary Next Scheduled Review: 07/2027**

POLICY

The Department encourages the use of work schedule changes, which are consistent with the safe and efficient operation of the facility or office, in order to accommodate and provide flexibility to employees. Flex time and adjusted work schedules shall be available for employees in those positions of the Department where its use benefits and enhances operations and productivity without creating any additional fiscal commitment or need. Use of flex time and adjusted work schedules shall be evaluated on an ongoing basis to ensure that such use is accomplishing the purpose for which it was originally approved.

DEFINITIONS

Adjusted Work Schedule: A long-term change in the assigned fixed hours or days worked in a given position which results in an incumbent working other than five (5) eight (8) hour days in a workweek or hours other than those considered the standard for the position.

Appointing Authority: The person designated pursuant to IMPP 02-109D for each respective division or facility of the department.

Exempt Position: Positions within State service that do not meet the criteria for earning overtime compensation under the Fair Labor Standards Act of 1938, as amended.

Flex Time: A flexible schedule which allows an employee in a full-time position to work fixed days in each workweek, but which does not require the long-term assignment of fixed hours. Flex time does not include changing or reassigning new fixed hours or days which would qualify as an adjusted work schedule. Flex time would include any schedule whereby the employee is required to work eight (8) hours within a core of operating hours.

Long-Term: For purposes of this policy, long-term shall be defined as a period in excess of ninety (90) days.

Non-Exempt Position: Positions within State service that meet the criteria for earning overtime compensation under the Fair Labor Standards Act of 1938, as amended.

PROCEDURES

I. Use of Flex Time and Adjusted Work Schedules

- A. Each appointing authority shall review existing flex time and adjusted work schedule practices in all work units, areas, or positions to determine if additional flex time and adjusted work schedules should be considered and to assure that existing practices are consistent with this policy.
- B. To determine whether to use flex time or an adjusted work schedule in a given work unit, area, or position, an initial assessment shall be made that considers whether the use of either will create any additional fiscal commitment or need or raise any safety and security concerns.

1. If use of flex time or adjusted work schedules will create any additional fiscal commitment or need (including overtime or additional FTE's), or raise any safety and security concerns, they shall not be used in the work unit, area, or position.
- C. If the use of flex time or adjusted work schedules will not create any additional fiscal commitment or need, or raise any safety and security concerns, an assessment shall be made to determine whether the use of either will improve operations in the work unit, area or position.
1. Flex time or adjusted work schedules shall not be used in any work unit, area, or position if such use will not improve operations in the work unit, area, or position.
 2. Factors to consider in determining whether the use of flex time or adjusted work schedules will improve operations in the work unit, area, or position, include:
 - a. Operational, safety and security concerns or needs of facility or office;
 - b. The need for the appointing authority and/or staff to have access to and coordinate schedules with senior and administrative staff within the facility or office;
 - c. Hours of operation of work unit, area, or position;
 - d. Ability to provide necessary coverage for work unit, area, or position by use of flex time;
 - e. The purpose and duties of the work unit, area, or position;
 - f. Whether use of flex time will improve morale of the employee(s) affected by the use of flex time;
 - g. The current level and quality of teamwork and communication between employees of the work unit or area being considered; and,
 - h. Any other factor that would reasonably relate to whether the use of flex time or adjusted work schedules would benefit or enhance the operation and productivity of the work unit, area, or position.
- D. For any employee covered by a Memorandum of Agreement, flex time and adjusted work schedules shall not be used unless such use is in compliance with the Memorandum of Agreement.
- E. Prior to implementing a change for an employee, the appointing authority shall submit to the Human Resources Director a proposal to adopt any adjusted work schedule that results in the workdays and hours of the position changing from five (5), eight (8)-hour days per week.
1. The proposal submitted shall include a statement by the appointing authority indicating how the proposal will contribute to efficient operations, that it will not create any additional fiscal commitment, and the rationale by which the appointing authority arrived at that conclusion.
 2. For certain positions, the Human Resources Director shall submit a request to deviate from the standard workday or work week on behalf of the appointing authority to the Office of Personnel Services, Department of Administration, for approval, provided that after review the Human Resources Director determines that the proposed adjusted work schedule is consistent with this policy.
- F. With the exception of adjusted work schedules discussed in Subsection E. above, the appointing authority shall approve or disapprove the use of flex time or adjusted work schedules for any position within the facility, office, or region.
1. It shall be determined by the appointing authority whether to permit supervisors to approve temporary changes in the schedule of a given employee or whether to require that such temporary change be approved by the appointing authority.

II. Ongoing Evaluation of Flex Time and Adjusted Work Schedule Practices

- A. The appointing authority, in conjunction with the appropriate supervisor, shall conduct an evaluation on an annual basis regarding the use and impact of flex time and adjusted work schedules to ensure that practices are carrying out the purpose of this policy. The appointing authority shall determine whether any changes in flex time or adjusted work schedule use is necessary.
- B. Measures to be evaluated and considered:
 - 1. Productivity;
 - 2. Sick Leave use;
 - 3. Leave without pay or unscheduled leave;
 - 4. Improved operation of work unit, area, or position;
 - 5. Employee morale;
 - 6. Adequate coverage;
 - 7. Operational, safety and security needs of the facility or office; and,
 - 8. Any other performance measure that would reasonably reflect the impact of flex time or adjusted work schedules on the work unit, area, or position.

III. This IMPP must serve as final policy in all departmental facilities, and no General Orders shall be developed or implemented on this subject.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff, residents, and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees, residents, or offenders, or an independent duty owed by the Department of Corrections to employees, residents, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS

None.

REFERENCES

Fair Labor Standards Act of 1938, as amended
K.A.R. 1-2-9, 1-9-1
IMPP 02-109D

HISTORY

04-29-15 Original
01-20-24 Revision 1

ATTACHMENTS

None.