

CHAPTER 4¹

WORK ACTIVITY

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CHAPTER 4

WORK ACTIVITY

Purpose: To describe all regulations related to work activity for all employees in classified positions.

Intent: The assignment of work activity, work hours, and scheduling of work and overtime hours will be accomplished by supervisors on an equitable basis and without discrimination. Procedures and work records will be utilized as necessary to ensure equitable and uniform administration and accountability of work activity.²

4.0 ADMINISTRATION³

The County Administrator is authorized to administer work activity as intended by the Board of Supervisors (Board)

4.1 COVERAGE⁴

All classified County employees are covered by the policies outlined in this chapter.

4.2 WORK ACTIVITY

4.2.01 County Business Hours

County business hours for the purpose of providing administrative services are from 8:30 a.m. to 5:00 p.m. Monday through Friday. The County Administrator may authorize public services hours outside of regular business hours to meet public needs. Protective services and emergency medical services will be provided on a 24-hour basis if mandated by State Code, regulations, or the Board.

4.2.02 Authorized Workweeks and Work Hours^{5,6,7}

(A) The authorized workweeks for full-time employees of the County are as follows:

- (1) General workforce: 37.5 hours per week or 40 hours per week depending on position and/or department.
- (2) Uniformed firefighters and fire marshal employees: 42 hours per week or 168 hours per work period (in accordance with the FLSA as per Chapter 5).
- (3) Dispatch personnel: 40 hours per week.

^{2,3,4}Administrative Changes only, December 1996

⁴Revised October 21, 1998

⁵Revised September 30, 1999

⁶Revised November 6, 2013

⁷Revised November 6, 2013

(B) The authorized workweeks for full-time employees of the Sheriff are as follows:

- (1) General civilian workforce: 37.5 hours or 40 hours per week depending on position.
- (2) Sworn Personnel: 42 hours per week or 84 hours per work period (in accordance with the FLSA as per Chapter 5).
- (3) Dispatch personnel: 40 hours per week.

The authorized workweek for employees of all other Constitutional Officers is 37.5 hours per week.

For eligible employees, the authorized workweek includes paid County holidays and paid leave hours but excludes meal breaks. Employees are expected to work the hours associated with their authorized workweeks unless on approved leave.

- (C) Supervisors will schedule sufficient staff to provide services during County business hours or other designated service hours. To ensure sufficient staff are available to meet service needs, supervisors have the authority to adjust employees' work hours or locations temporarily or permanently if the adjustment does not exceed the position's authorized workweek hours and a reasonable amount of time is afforded the employee to accommodate the adjustment.
- (D) Supervisors should not regularly schedule work for employees more than the authorized workweek although occasional overtime may be authorized as funded to meet service needs. General workforce employees assigned to positions determined to be non-exempt under the FLSA are eligible for overtime for hours worked more than 40 per week. Non-exempt law enforcement employees and uniformed firefighters shall be paid in accordance with the Code of Virginia, Section 9.1-700 et seq. and Section 7(k) of the FLSA.
- (E) Work hours will be scheduled so that services are provided as authorized, enough employees are available during County business hours, and sufficient supervisory personnel are present at work sites.
- (F) Generally, County employees will not work more than ten consecutive hours per day (excluding meal breaks) to avoid fatigue on the employee and possible impairment of services. However, consistent with operational need, supervisors may schedule staff to work more than ten consecutive hours with Department Director approval.

4.2.03 Flexible Scheduling⁸

Employee Requested Changes:

The County supports flexible scheduling arrangements if sufficient staff is available to meet service needs. Flexible scheduling of work hours may be arranged between an employee and supervisor with the Department Director's approval provided that:

- (1) employees continue to work their authorized number of hours during their normal workweek (Thursday through Wednesday)
- (2) each separate work period is structured below FLSA overtime levels; and
- (3) all the department or program's business hours are covered adequately and the provision of services to the public is not adversely affected.

The County Administrator or designee, at the request of the Department Director, approves or denies all work schedule adjustments requested by an employee or group of employees.

Nothing herein negates the employer's authority to change an employee's work schedule as may be necessary for operational or other needs. Any such change shall be done with as much advanced notice to the employee as possible.

4.2.04 Authorized Work Activity⁹

Work activity is considered authorized if it is for the purpose of providing authorized and appropriate levels and types of County services to meet programmatic goals and objectives. Department Directors have the authority to determine what is and is not authorized work. Supervisory personnel will manage and exercise control over work activity and work completed to ensure it is authorized work.

- (1) Work is generally to be performed at the designated worksite. Department Directors may approve that work be performed at other locations when necessary.
- (2) FLSA regulations must be applied when determining whether work hours are compensable for all non-exempt employees. All work time for non-exempt employees must be reported accurately in 15-minute increments.
- (3) Travel Time as Authorized Work

Generally, travel time to and from an employee's home and the regular jobsite is not authorized work. Travel time to a different jobsite which exceeds the normal distance traveled may or may not be authorized work. FLSA regulations should be consulted when there is an issue as to whether travel time is authorized/compensable work for non-exempt employees.

Travel time is authorized work in the following situations:

Travel beyond Loudoun County on a one-day, but not overnight, work assignment, minus the normal time spent by the employee in traveling to and from home during a normal workday. Travel beyond Loudoun County overnight on a work assignment is authorized work for any period that the travel is performed during regular working hours. For example, if the employee normally works between 8:30 a.m. - 5 p.m. Monday through Friday, all travel between 8:30 a.m. - 5 p.m. even if it is on Saturday or Sunday, is authorized work. Meal breaks during travel time are not considered authorized work unless the employee is directed to work during the meal break.

⁹Revised November 6, 2013

4.2.05 Meal Breaks

Employees scheduled to work at least five consecutive hours are provided a meal break without pay. The meal break may be either an hour or a half-hour in length. It is not intended that employees skip meal breaks so they may shorten their hours of work. However, this is possible with supervisory approval. In scheduling meal breaks, supervisors must ensure adequate office coverage and services are provided.

4.2.06 Paid Meal Breaks

Employees who are non-exempt from FLSA regulations and who are required to respond to emergencies during meal breaks or required to work during meals are paid for the meal break at their regular hourly rate. If there is a group of positions in a department in which the employees are routinely expected to work during meal breaks, the Department Director must forward a request to the County Administrator who will determine if paid meal breaks should be provided to the employees.

4.2.07 Other Breaks

Scheduling and managing other breaks from work are strictly departmental concerns. Two breaks of limited duration (10 - 15 minutes) during the workday may be used as a guideline. Departments are encouraged to provide guidance to employees concerning breaks. Supervisors must ensure breaks are scheduled so adequate office coverage and services are provided, breaks are not abused, and all employees are to be afforded opportunities for breaks. Employees may not choose to skip breaks so their hours of work may be shortened.

4.2.07 Employees as Volunteers

Employees who are non-exempt from provisions of the FLSA must inform their Department Director when planning to volunteer with any County agency, institution, department, commission, board, or program to ensure the volunteer activities: 1) will not create a conflict with paid duties, 2) are not the same (similar or identical) type of services or work the individual performs as an employee of the County Government, and 3) are not compensable hours under the FLSA. Employees of the Department of Fire-Rescue Services may volunteer to perform fire protection and emergency medical services activities for volunteer fire and rescue companies located in Loudoun County, except that volunteer services may not be performed for the volunteer company that the employee is regularly assigned.⁹

Mutual Aid Agreements: An agreement between two or more political subdivisions, or interstate governmental agencies for mutual aid does not change the volunteer character or status of services performed by employees of such agencies under the agreement.

⁹Revised September 29, 1999

4.2.09 Volunteers Who Are Not Employees

- (A) Volunteers are defined as persons who perform hours of service for the County Government for civic, charitable, academic, or humanitarian reasons, without promise or expectation of compensation for services rendered, and whose services are offered freely and without pressure or coercion, direct or implied from an officer, supervisor, or employee of the County Government. In these circumstances, individuals may perform hours of volunteer service for the County Government without being considered employees or the hours worked as being compensable under the FLSA.
- (B) Payment of expenses, nominal fees, or fringe benefits:

Volunteers, students, interns, and other unpaid persons who are assisting with providing County services may only receive forms of payment directly attributed to expenses incurred on behalf of the County for factors such as transportation, meals, supplies, etc., except as may be authorized by the FLSA. It is also possible to provide a nominal fee to volunteers. To be considered nominal, a fee must be less than the actual or reasonable market value of the services it is associated. A nominal fee is not a substitute for compensation. Factors that may be considered by the U.S. Department of Labor in determining whether a given amount is nominal are the distance traveled, the time and effort expended by the volunteer, whether the volunteer has agreed to be available around-the-clock or only during certain specified time periods, and whether the volunteer provides services as needed or throughout the year. An individual who volunteers to provide periodic services on a year-round basis may receive a nominal monthly or annual stipend or fee without losing volunteer status.

These forms of payment to volunteers may be provided for hours of service without losing volunteer status or without being deemed an employee under the FLSA. Any payment of expenses or nominal fees to volunteers must be approved in advance by the County Administrator and any fringe benefits provided to volunteers must be approved by the Board.

4.3 **TELEWORK POLICY¹⁰**

Definition: Telework or telecommuting is an arrangement between an employee and the County which allows an employee to work at a remote location on a pre-defined and pre-arranged basis for an entire workday. The remote location can be the employee's home or another designated location away from the employee's primary office. The terms "telework" and "telecommuting" are used interchangeably. Participating in a telework arrangement requires that the employee and supervisor complete and submit the Telework Agreement to initiate this work option. The Telework Agreement can be arranged for a full-time workweek or on a regularly scheduled part-time basis for at least one day per month. It can also be a situational

agreement designed to address a specific circumstance, such as for the duration of a special project or to mitigate disruptions in the case of disaster or emergency situations. Departments should consider telework in the event of emergencies and plan for such events by identifying essential personnel and periodically permitting those essential personnel to work off-site at home or at a designated remote location to assess emergency preparedness.

Implementation: Loudoun County supports telework as an alternative work arrangement. New technologies are available that allow workers to perform duties and tasks away effectively and efficiently from their regular workstation. Many work situations lend themselves to telework, and managers are encouraged to consider initiating such arrangements where appropriate and based on job responsibilities and the employee. While telework is an important and attractive work option for Loudoun County employees, the County maintains the authority to determine when, and if, teleworking is appropriate and suitable for a position and an employee. Teleworking is a privilege, not a benefit or employee entitlement. Telework, as a work alternative, offers many potential benefits to the employee, to Loudoun County and to the community. The goals of the Loudoun County telework program are to improve the quality of work/life, improve productivity, achieve savings in office space cost, reduce absenteeism, decrease turnover, and increase job satisfaction. It is an effective program to provide greater flexibility and lower stress for employees, while helping the community meet the challenges of reducing air pollution and traffic congestion. Teleworking is a mutually agreed upon arrangement. It lends itself to those situations where technology enables the work to be performed at a remote location without loss in quality, service, health and safety, and overall standards of performance. The arrangement is voluntary, unless specifically stated as a condition upon acceptance of employment or by providing an existing employee notice and remote location options if teleworking became a requirement during the term of employment. The County's Telework Procedural Guidelines pertain to all County telecommuting arrangements and should be used in considering and establishing such arrangements.

The County's Telework Procedural Guidelines are included in the County's Administrative Policies & Procedures on the County's intranet.