



8.01 HOURS OF WORK AND SCHEDULES

Hours of Work

The City maintains the right to alter an employee's workday or workweek, and to require an employee to work overtime and on a weekend or holiday. The normal business hours for transacting City business are from 8 a.m. to 5 p.m. Mondays through Fridays, inclusive and the working time of City employees shall normally be 40 hours during each workweek. The Elected Official may establish not less than 36 hours in a week as the workweek for any full-time employees in their respective bureaus. City Hall and other offices shall be closed all day Saturday and Sunday.

The Chief of the Bureau of Fire & Emergency Rescue may authorize a 40-hour workweek to employees under his supervision who are not performing fire suppression duties.

Except for employees on a nine/eighty workweek schedule, a "workweek" is defined as any combination of four (4) or five (5) workdays assigned to an employee for work within a period of seven (7) consecutive days. The beginning of the workweek is the first day following an employee's two (2) or three (3) consecutive scheduled days off. (See section below on Days Off). Employees are not entitled to three (3) consecutive days off but may be on a work schedule that provides three (3) consecutive days off. For employees having nonconsecutive days off, the payroll week will be considered the workweek. For FLSA covered employees with a nine/eighty workweek schedule, the workweek shall begin and end at the midpoint of an eight (8) hour day.

Directors of bureaus that have 24 hours per day, seven (7) days per week operations may authorize a FLSA workweek of any seven (7) consecutive 24 hour periods for all employees in such operations.

Days Off

Days off for employees working a 40-hour workweek normally will be Saturday and Sunday. The Elected Official may authorize other days off where necessary for efficient operation of a bureau.

All employees are entitled to 2 consecutive days off in each workweek. When an employee is assigned nonconsecutive days off, the time worked on the last scheduled day of the employee's workweek shall be compensated at time and one-half. Example: If an employee is assigned Sunday and Thursday as days off, all time worked on Saturday is paid at time and one-half. Exception: employees of Portland Parks and Recreation who are seasonal or temporary/part-time employees under 860 hours per calendar year shall not be entitled to two (2) consecutive days off in each work week. Such employees shall not be entitled to compensation at time and one-half when they are assigned non-consecutive days off, unless specifically authorized by the Director of Portland Parks and Recreation, or designee.

Variable Workweek Schedules Defined

Compressed WorkWeek schedules allow full-time workers to work all their hours in fewer than five days per week. Common examples of this are:

- o Four 10 hour days with one day off during the workweek
- o Four 9 hour days and one 4 hour day, allowing for one afternoon off
- o Nine/eighty - employees work 80 hours in nine days with one additional day off every other week

Daily Flextime Schedules. A flexible schedule splits the workday into two types of time: core time and flexible time. During core time, the employee must be at work. During the flexible time, the employee has the option of selecting and varying starting and quitting time within limits set by management. Example: Core hours are designated as those from 9:00- 4:00p.m. while flexible hours are those from 7:00 - 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. The employee is expected to work the daily hour designated under their approved schedule.

Weekly Flextime Schedules. Employees have daily core and flextime, but the flextime can be used within the workweek as well. Example: Employee works 10 hours on Monday and then works 7 hours on Wednesday and Thursday.

All flextime must occur in the same workweek for FLSA covered employees due to the payment for overtime requirements.

Use of Variable Work Schedules

Bureaus may choose to utilize variable work schedules at their discretion. In some bureaus, work schedules and the need for team coordination may render variable work schedules impractical. Occasions may arise when variable schedules must be suspended because of bureau workload, operational needs, vacations or other reasons. When this occurs, supervisors should give employees as much advance notice as possible. The use of any variable work schedule must be authorized by the bureau director or designee prior to its use by an individual employee.

Authorization of a variable work schedule may be revoked at any time at the supervisor's discretion.

Approval for Variable Schedules

Supervisory approval must be obtained for any variable schedule, including flextime.

How Flextime Differs from Compensatory Time

Compensatory time off is one way to compensate a Fair Labor Standards Act (FLSA) covered employee who works more than 40 hours in a workweek and is entitled to overtime. Flextime is a scheduling tool to enable managers to meet operational needs but also allow employees more flexibility in scheduling.

Flextime within the workweek is acceptable for non-exempt employees. Flextime cannot be accumulated or added to vacation or management accruals.

Holiday Pay for Variable Schedules

Holiday pay will be limited to eight hours for any one legal holiday. If an employee is on a schedule where his/her normal workday is greater than eight hours, vacation or compensatory time must be taken to satisfy the variable schedule requirement.

Example: If an employee is on a 4/10 schedule, he or she must use two hours of vacation or compensatory time for each holiday. Alternatively, hours can be worked on another day at the supervisor's discretion.

Meal and Rest Periods

Full time FLSA covered employees, even if on a variable schedule, are required to take an unpaid lunch break of at least 30-minutes. The meal period may be scheduled within the normal work hours to meet the needs of the employee and working unit, but may not be used to shorten the workday except on an occasional basis and with prior approval of the supervisor. A bona fide meal period is a span of at least 30 consecutive minutes during which an employee is completely relieved of duty. A meal period is not counted as hours worked.

FLSA covered employees are entitled to two 15 minute rest periods, one before the meal period and one after that are counted in hours worked. FLSA covered employees are entitled to an additional 15-minute rest period for every substantial portion of four hours they work beyond their regular schedule.

FLSA covered employees must take these rest periods and may not "save" their rest periods in order to arrive late or leave before the end of their regular scheduled work day.

Rest Period to Express Milk

Reasonable rest periods, no less than 30 minutes during each 4-hour work period, shall be provided to those employees (FLSA covered or exempt) who have a child 18 months or younger for the purpose of expressing milk. Whenever possible this 30 minute rest period should coincide with the employee's regular rest period. If the rest period to express milk does coincide with the employee's regular rest period, for FLSA covered employees, 15 minutes of each 30 minute rest period for expressing milk is paid. If the rest period for expressing milk does not coincide with the employee's regular rest break, the entire rest period for expressing milk is unpaid. With prior approval of their supervisor, employees may be allowed to work before or after their regular work shift to make up the amount of time used during the unpaid portion of the rest break.

Reasonable efforts must be made to provide the employee a private location, in close proximity to her work area, to express milk. The employee must be able to express milk concealed from view and without intrusion by other employees. A public restroom or toilet stall is not an acceptable location.

An employee who intends to express milk during work hours must provide her supervisor with reasonable oral or written notice of her intention to allow sufficient time to make the necessary preparations to comply with this rule.

Certain types of work may make it an undue hardship on bureau operations to allow an employee to express milk during work hours. If a manager or supervisor believes there is an undue hardship that would preclude such rest periods, they should consult with their Site Team Manager.

Attendance at Training Sessions, Workshops and Meetings

Required or bureau-paid attendance at work-related training sessions, workshops and other meetings, whether before, during or after the employee's regular work schedule, is work time. Generally, voluntary attendance at training sessions, workshops and other meetings is not work time.

Travel Time

Whether travel time is considered as hours worked depends on the circumstances and must be determined on a case by case basis. See the Administrative Rules on [Travel](#) and [Teleworking](#) for more information.

Inclement Weather

See [Administrative Rule on Inclement Weather](#).

Rescheduling of Work Days

See [Administrative Rule on Hours of Work and Overtime: FLSA Covered Employees](#).

Attendance

Employees are expected to report to work at their scheduled starting times on each scheduled workday and to follow all bureau specific rules concerning attendance.

Administrative Rule History

Adopted by Council March 6, 2002, Ordinance No. 176302
Effective April 5, 2002
Revised September 16, 2005
Revised July 9, 2007
Revised May 9, 2008

Guidance for HR Administrative Rule 8.01

Part-time and Job Share Employees

Definitions

Part-time employee shall mean an employee appointed to a position in accordance with HR Administrative Rules and/or applicable collective bargaining agreement whose authorized work schedule is a minimum of 40 hours during a biweekly payroll but less than full time.

Job Share employee shall mean an employee appointed to fill one-half of an authorized position as a job share employee. Job sharing allows a full-time classified position to be occupied by two people who each work 50% of the time.

Benefits

Permanent part-time employees who serve at least 40 hours but less than 72 hours each pay period are eligible for pro-rated (based on percentage of full-time work) vacation and sick leave, service credit, and health benefits after 80 hours of continuous part-time service. Permanent part-time employees are eligible for holiday pay upon hire.

Job Share employees receive pro-rated (50%) vacation and sick leave, holiday pay, service credit, retirement and health benefits, and when applicable, priority reemployment consideration.

Compensation

All initial part-time permanent and job-share appointments to non-represented classifications shall be to the entry rate of the pay range for the classification except as follows:

1. At the discretion of the Bureau Director, an employee's initial appointment to a classification may be at a rate up to the midpoint of the assigned range.
2. Initial appointments above the midpoint may be made only with the approval of the Director of Human Resources.

Initial appointment part-time non-represented temporary employees shall be set in the same manner as permanent non-represented employees.

Overtime Compensation:

FLSA covered employees must be compensated for all hours worked over 40 in a workweek. Compensation can be in the form of cash payment at time and one-half or compensatory time off providing the guidelines under Compensatory Time Off are followed.

For non-represented employees, paid absences during the workweek shall not be considered as time worked for the purpose of computing weekly overtime.

Holidays

Benefits eligible employees who share a budgeted full-time position and serve for 40 hours each pay period shall be allowed 4 hours of pay for each designated City holiday.

Permanent part-time employees shall be allowed pro-rated holiday pay and are eligible for holiday pay upon hire.

Part-time seasonal employees are not eligible for holiday pay.

Personal Holidays

Benefits eligible permanent part-time employees and job share employees who serve for 40 hours each pay period shall be allowed 12 hours of personal holiday time as follows:

1. For employees not represented in collective bargaining, after 173 hours of continuous job sharing or part time employment; or
2. For employees represented in collective bargaining, after 1,040 hours of continuous job sharing or part time employment; and
3. In accordance with the rules for permanent full time employees.

A personal holiday may be scheduled:

1. After continuous City service period of not less than one (1) month (or corollary length of time for part-time and job share employees); and
2. At the mutual convenience of the employee and the bureau; and
3. Through the last pay period of the calendar year.

Personal holidays must be used in the year accrued and cannot be carried over to the next calendar year. An employee who leaves City employment for any reason will not receive pay for unused personal holidays.

Vacation Accrual for:

Part-time employees

Part-time employees who serve at least 40 hours but less than 72 hours each pay period shall accrue pro-rated vacation based upon standard hours worked in a pay period. Vacation may be used;

1. for non-represented employees, after 173 hours of continuous part-time employment;

2. for employees represented in collective bargaining, after 1,040 hours of continuous part-time employment, unless otherwise designated in a collective bargaining agreement.

The progression to higher accrual rates will be based on serving the number of hours equivalent to the time periods designated in the Vacation Appropriation Schedule.

Job Share employees:

Benefits eligible job-share employees who share a full-time position and serve for 36-40 hours each pay period shall be allowed one-half the accrual rates outlined in Vacation Appropriation Schedule for full-time employees. Vacation may be used;

1. for non-represented employees, after 173 hours of continuous job sharing employment;
2. for employees represented in collective bargaining, after 1,040 hours of continuous job sharing employment

The progression to higher accrual rates will be based on serving the number of hours equivalent to the time periods designated in the vacation appropriation schedule.

Sick Leave for:

Part-time employees:

Benefits eligible part-time employees who serve at least 40 hours but less than 72 hours each pay period shall accrue pro-rated sick leave based upon standard hours worked in a pay period.

Sick leave shall be available:

1. for non-represented employees, after 173 hours of continuous part-time employment;
2. for represented employees, after 520 hours of continuous part-time employment, unless otherwise designated in a collective bargaining agreement.

Job Share employees:

Benefits eligible job-share employees who share a budgeted full-time position and serve a minimum of 36- 40 hours each pay period shall accrue sick leave at one-half the full-time rate. Such credits shall be available:

1. for non-represented employees, after 173 hours of continuous job sharing employment;
2. for represented employees, after 520 hours of continuous job sharing employment.

Seniority

Seniority for permanently appointed employees in permanent part-time and job share positions will be prorated on the basis of regular hours worked. Seniority for permanently appointed employees to partial year positions shall also be prorated on the basis of regular hours worked

and shall not continue to accrue during the portion of the year these employees are not working for the City.

Layoff & Recall

Part-time and Job Share employees maintain bumping rights in accordance with the Administrative rule for Layoff & Recall. A permanent part-time or Job Share employee shall not displace a full-time employee in bumping or in recall.