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## **ARA 8.01 HOURS OF WORK AND SCHEDULES**

### **A. Hours of Work and Days Off**

The normal business hours for transacting Auditor's Office business are Monday through Friday, from 8 a.m. to 5 p.m. City Hall and other Auditor's Office offices are closed Saturday and Sunday.

1. Auditor's Office employees normally work 40 hours during each workweek. The City Auditor may establish not less than 36 hours in a week as the workweek for any full-time employee.
2. Generally, employees are entitled to two consecutive days off in each workweek. Days off for employees working a 40-hour workweek are normally Saturday and Sunday. The City Auditor may authorize other days off if necessary for the efficient operation of the office.
  - a. Employees are not entitled to three consecutive days, off but may request approval for a variable work schedule that provides three consecutive days off.
  - b. When an employee who is covered by the Fair Labor Standards Act (non-exempt) is assigned nonconsecutive days off, the time worked on the last scheduled day of the employee's workweek will be compensated at time and one-half; provided that this provision does not apply when an employee agrees to a work schedule that does not contain two consecutive days off.

Example: If a covered employee is assigned Sunday and Thursday as days off, all time worked on Saturday is paid at time and one-half, unless the employee agreed to or requested a work schedule that does not contain two consecutive days off.

3. The Auditor's Office maintains the right to alter an employee's workday or workweek and to require an employee to work overtime or on a weekend or holiday.

### **B. Variable Work Schedules**

Division managers may choose to allow variable work schedules at their discretion. However, in some Divisions, work schedules and the need for team coordination may render variable work schedules impractical.

1. Variable work schedules include the following:

a. A “compressed work week schedule,” which allows a full-time employee to work all of their hours in fewer than five days per week. Common examples of a compressed work week schedule include:

- Four 10-hour days, with one day off during the workweek.
- Four 9-hour days and one 4-hour day, with one afternoon off.
- Nine 8-hour days, with one additional day off every other week.

b. A “daily flexible schedule,” which splits the workday into “core hours” and “flexible time.” Employees must be at work during the core hours set by their Division. With supervisory approval, an employee may select varying starting and quitting times during the flexible time. The employee is expected to work the daily hours designated under their approved schedule.

Example: A Division’s core hours are from 9:00 a.m. - 4:00 p.m., with flexible time from 7:00 a.m. - 9:00 a.m. and 4:00 p.m. - 6:00 p.m. The Division manager may approve an employee to work from 9:00 a.m. – 6:00 p.m. daily.

c. A “weekly flexible schedule,” which allows an employee to use flexible time within the workweek, if they are at work during core hours set by the Division. For covered (non-exempt) employees, all flextime must occur in the same workweek due to overtime requirements.

Example: A Division manager may approve an employee to work 10 hours each Monday, and then works seven hours on each Wednesday and Thursday.

2. The use of any variable work schedule, including flexible time (“flextime”), must be authorized by the Division manager, in consultation with the City Auditor, prior to its use by an individual employee. Operations Management must verify that the requested schedule exists in the timekeeping system or cause the new schedule to be programmed if it does not exist.

3. Occasions may arise when a variable work schedule must be suspended because of workload, operational needs, vacations, or other reasons. When this occurs, supervisors should give employees as much advance notice as possible.

4. Authorization for a variable work schedule may be revoked, at any time, at the Division manager's discretion.

### **C. How Flextime Differs from Compensatory Time**

1. Flextime is a scheduling tool that enables managers to meet operational needs while allowing 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.
2. Compensatory time off is a way to compensate a covered (non-exempt) employee who works more than 40 hours in a workweek and is entitled to overtime.

### **D. Holiday Pay for Variable Schedules**

Holiday pay is limited to eight hours for any one legal holiday. If an employee is on a schedule in which their normal workday is longer than eight hours on a holiday, vacation or other accrued leave must be taken, or the employee may work additional hours during the workweek, to satisfy the variable schedule requirement.

Example: If an employee is on a four / 10 schedule, the employee may use two hours of vacation leave for each holiday that falls on one of their workdays. Alternatively, the employee can work the two hours on another day, at the supervisor's discretion.

### **E. Meal and Rest Periods**

1. A meal period is a span of at least 30 consecutive minutes during which an employee is completely relieved of duty. Full-time covered (non-exempt) employees must take an unpaid meal period of at least 30 minutes, even if the employee works a variable schedule.
  - a. The meal period may be scheduled within normal work hours to meet the needs of the employee and the Division, but may not be used to shorten the workday, except on an occasional basis and with prior approval of the employee's supervisor.
  - b. A meal period is not counted as hours worked.

2. Covered employees are entitled to two 15-minute rest periods (one before the meal period and one after), and are entitled to an additional 15-minute rest period for every substantial portion of four hours they work beyond their regular schedule.
  - a. Covered employees (non-exempt) must take these rest periods and may not “save” them to take a longer meal period or to arrive late or leave before the end of their regular scheduled workday.
  - b. A rest period is counted as hours worked.

#### **F. Rest Period to Express Milk**

Reasonable rest periods of no less than 30 minutes must be provided to employees (covered or exempt) who have a child 18 months old or younger for the purpose of expressing milk.

1. Whenever possible, the 30-minute rest period should coincide with the employee’s regular rest period.
  - a. If the rest period to express milk coincides with a covered (non-exempt) employee’s regular rest period, 15 minutes of each 30-minute rest period for expressing milk is paid.
  - b. If the rest period for expressing milk does not coincide with a paid rest period, the entire rest period for expressing milk is unpaid.
  - c. With prior supervisor approval, an employee may be allowed to make up the amount of time used during the unpaid portion of the rest break by working before or after their regular work shift.
2. The employee must be offered provided 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.
3. An employee who intends to express milk during work hours must give her supervisor reasonable oral or written notice of her intention in order to allow sufficient time to make the necessary preparations to comply with this rule.

4. Certain types of work may make it an undue hardship on Division operations to allow an employee to express milk during work hours. If a Division manager or supervisor believes an undue hardship that would preclude such rest periods, they should consult with Operations Management.

## **G. Attendance**

Employees are expected to report to work at their scheduled starting times on each scheduled workday and to follow all Auditor's Office and Division work rules concerning attendance.

## **H. Attendance at Training Sessions, Workshops, and Meetings**

Required or 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. Voluntary attendance at training sessions, workshops, and other meetings is generally not work time.

## **I. Travel Time**

Whether travel time is considered work time depends on the circumstances, and must be determined on a case by case basis. See [Auditor's Office Administrative Rules 3.04.10 – Travel](#) and [4.04 - Teleworking](#) for more information.

## **J. Voluntary Furlough Days and Part-time Agreements During an Emergency or Fiscal Crisis**

Consistent with the City's Safety Net Program, during an emergency or fiscal crisis, the City Auditor may:

1. Authorize employees to take voluntary furlough days. Once approved by the City Auditor, voluntary furlough days shall be scheduled based on the business operational needs of the Division.
2. Enter into Part-time Agreements with existing full-time employees to allow such employees to reduce their hours to part-time (40 – 72 hours per biweekly payroll period), but retain healthcare benefits at the same level as full-time employees.
  - a. An employee must have Division Director approval to be eligible to enter into a Part-

time Agreement.

- b. The City Auditor, in conjunction with the Division Director and employee, will determine the duration of the Part-time Agreement

**NOTE:** Part-time Agreements entered into in response to the COVID-19 emergency may not extend beyond June 30, 2022, unless City Council extends the duration of Part-Time Agreements under the City's Safety Net Program.

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### **Auditor's Office Administrative Rule Information and History**

Questions about this administrative rule may be directed to the [Auditor's Office's Operations Management Division](#).

Adopted by the City Auditor December 11, 2017.

Adapted from [City Human Resources Administrative Rule 8.01 – Hours of Work and Schedules](#).

Adopted by Council on March 6, 2002 (Ordinance No. 176302).

Last revised February 13, 2019.

Section J is adapted from the City of Portland's Safety Net Program.

Revised by the City Auditor on October 5, 2020, as an interim rule effective for not more than 180 days.