

Work Schedule Policy

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§ 1. Standard Work Schedule

The standard workweek for full-time employees subject to the State Human Resources Act is forty hours per week and the normal workday schedule is five days per week, eight hours a day plus a meal period. Other schedules apply to part-time employees and some shift employees; agencies are responsible for determining the appropriate schedules for these employees.

Because of the nature of the various State activities, some positions require a workweek other than five days. The normal daily work schedule may not apply to educational, hospital and similar institutions, or work units with schedules geared to round-the-clock service.

§ 2. Meal Period Defined

The meal period may be scheduled within the normal work hours to meet the needs of the employee and the working unit but may not be used to shorten the workday. A bona fide meal period is a span of at least 30 consecutive minutes during which an employee is completely relieved of duty. It is not counted as hours worked. A so-called “meal period” of less than 30 consecutive minutes must be considered as hours worked for employees who are non-exempt as defined by the Fair Labor Standards Act.

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§ 3. Variable Work Schedule

Agencies may choose to utilize a variable work schedule that allows employees to choose a daily work schedule and meal period which, subject to agency necessities, is most compatible with their personal needs.

Supervisors are responsible for arranging operating procedures that are consistent with the needs of the agency and the public it serves, and at the same time can accommodate, as far as possible, the employee's choice of daily work schedule within the established limits. If any adjustments of employee work schedules are necessary, this should be done as fairly and equitably as possible.

§ 4. Procedure for Variable Work Schedules

If an agency chooses to use a variable schedule, the following procedure applies:

- Each new employee shall be given detailed information about the variable work schedule and given the opportunity to select the schedule preferred prior to reporting for work. Work schedules are to be associated with individuals and not with positions, with the exception that there may be positions which must be filled on some predetermined schedule. In these exceptional cases, applicants shall be informed of this predetermined schedule prior to any offer and acceptance of employment.
- The employee and the supervisor shall agree upon the schedule to be followed, consistent with the needs of the agency.
- Each supervisor shall compile a record of the work schedules for all subordinates.
- Agency administrators shall be responsible for providing adequate supervision for each work unit during the hours employees are scheduled to work. This can be accomplished by sharing or by delegation of authority of supervisors.

§ 5. Limitation of Variable Work Schedule

The following limitations shall apply to variable work schedules:

- An employee who arrives later than scheduled, may be permitted to make up the deficit by working that much longer at the end of the workday if this is consistent with the work needs of the agency. Otherwise, the tardiness shall be charged to the appropriate leave category. Supervisors shall be responsible for taking appropriate

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action to correct any abuse or misuse of this privilege which may include deductions from employee's pay.

- If an employee reports to work early, the employee may, with the supervisor's permission, begin work at that time and leave at a correspondingly early hour.
- If an employee leaves work early without permission, the time shall be deducted from the employee's pay or may be charged to the appropriate leave account.
- An employee may not work later than scheduled unless the supervisor has approved it due to workload.

§ 6. Adverse Weather

In the event of adverse weather conditions, the policy for charging leave outlined in the Adverse Weather Policy, will apply where the nature of the operation makes it possible. It is recognized that agencies providing essential services in health and safety will need to modify the policy in order to maintain adequate services to the public.

§ 7. Hours of Work Due to Time Change

When the time is changed from Eastern Standard Time to Daylight Savings Time, employees working during this interval only work seven (7) hours rather than eight (8) hours. The employees must be held accountable for the hour that no work is performed. The time may be charged to vacation leave or the employee may be allowed to make up the time within a reasonable length of time if it can be worked out satisfactorily with the immediate supervisor.

When the time changes from Daylight Savings Time to Eastern Standard Time, employees on duty at this change actually work a 9-hour shift rather than the usual 8-hour shift. The State, under the overtime pay policy, must compensate for this additional hour. In cases where the employees work in excess of 40 hours for the week, this must be compensated for at one and one-half times the regular rate.

§ 8. Sources of Authority

This policy is issued under any and all of the following sources of law:

- [N.C.G.S. § 126-4\(5\)](#)

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It is compliant with the Administrative Code rules at:

- [25 NCAC 01C .0500](#)

§ 9. History of This Policy

Date	Version
January 1, 1950	Provided for establishment of a 5-day 40-hour work week schedule for certain categories of State employees on a 6-month trial basis to begin as of January 1, 1950.
June 15, 1950	5-day 40-hour workweek approved on a permanent basis.
January 29, 1962	Work schedule in Raleigh Area - June, July, August - 8:00 a.m. to 5:00 p.m.; Sept. through May - 8:30 a.m. - 5:30 p.m.
June 11, 1973	Flextime established on a temporary and experimental basis.
September 14, 1973	Flextime adopted on a permanent basis.
March 1, 1975	Daylight Savings Time - employees working only 39 hours rather than 40 hours during the week of the time change can charge their time to petty leave, annual leave or make up the time.
June 1, 1981	Approved a twelve-month pilot study. Beginning May 1, 1981, at N.C. Memorial Hospital for Registered Nurse positions in intensive care units only.
June 1, 1982	Approved policy after a year's trial for nurses at Memorial Hospital (and other State-run hospitals having similar situations) in intensive care units only.
August 1, 1985	Policy changed to make more flexible the beginning and ending hours of work and length of lunch hour.
October 1, 1992	Included the definition used by the Fair Labor Standards Act to clarify what constitutes a meal period. A provision is also included to recognize those part-time employees and some shift employees do not work the normal daily schedule; therefore, the agency may determine appropriate schedules for them. Other changes simply update the language in the policy.

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April 1, 2008	Typographical error corrected.
April 1, 2020	Removed "if justified" from the second bullet under the Variable Work Schedule section. It appears to contradict the administrative code.