
United States Department of Agriculture
Marketing and Regulatory Programs
Agricultural Marketing Service

**Administrative
Notice**

AMS 23-01

06/06/2023

AMS Maxiflex Policy

The Agricultural Marketing Service (AMS) values its employees and to the extent possible, supports a work-life balance. At the same time, AMS must not waiver from our mission to create domestic and international marketing opportunities for U.S. producers of food, fiber, and specialty crops; and to provide the agriculture industry with valuable services to ensure the quality and availability of wholesome food for consumers across the country. We achieve this mission through a variety of Program Areas, each having skillsets and work environments that contribute to the collective goal.

This document supersedes previous AMS maxiflex policies, to serve as an overarching policy within which Programs may establish their own internal parameters that optimize mission delivery while supporting a work-life balance for employees.

AMS Program Consistency: AMS will follow consistent Agencywide practices in establishing formal tours of duty, scheduling both work time and lunch periods, and earning/using credit hours. These practices may not be modified by individual Programs.

1. All employees under maxiflex must complete [MRP-346, Designation of Work Schedule and Employee Tour of Duty](#) and obtain supervisory approval for their designated tour. The completed document must be securely stored by servicing timekeepers in the employee's Time and Attendance file.
2. All employees working five or more hours must take an unpaid lunch period of 30-45-60 minutes in length. The lunch period and exceptions are outlined in [Human Resources Desk Guide Subchapter 4610, Tours of Duty, Section C](#). Scheduling a lunch break at the end of the workday to end the workday earlier is prohibited.
3. Credit hours may not be earned until 80 hours of paid time (work time and paid leave) is reached in a pay period. However, if permitted in Program parameters, credit hours may be earned on the first Sunday of the pay period.
4. The "stacking" of work hours at the beginning of the pay period to shorten the work week at the end of the pay period is prohibited. If, due to mission demands, an employee is required to work more hours than their approved daily tour of duty (per the [MRP-346](#)), then the employee is responsible for notifying and obtaining pre-approval from the supervisor as soon as possible.
5. First level supervisors are authorized to approve workdays, (i.e., base, credit hours, overtime, compensatory time off in lieu of overtime pay, compensatory time off for travel) of up to 12-hours for mission related reasons on a limited basis (gliding does not

require pre-approval – see #4 below). The following are excluded from consideration of a workday: the unpaid meal period and the normal home-to-work commute.

6. Workdays longer than 12 hours require prior written approval by the Program's Deputy Administrator. The Program's Deputy Administrator may re-delegate this authority to a GS-15 designee (i.e., Associate Deputy Administrator or Division Director) within the employee's chain of command.

Program Area Authority: In addition to establishing specific, Agency-wide practices, this policy identifies several areas where Deputy Administrators may establish Program parameters to optimize mission delivery. Deputy Administrators may delegate this authority to Program units (i.e. Divisions or Branches) to facilitate mission accomplishment. The following outlines AMS' maxiflex policy and identifies the areas that may be modified.

1. **The AMS-wide maxiflex time band is Monday – Friday, 6 a.m. to 6 p.m., local time zone.** Each Program Deputy Administrator may establish their maxiflex program parameters (i.e., time bands) within this overarching policy. The time band may be expanded but not contracted. Employee regular and recurring tours of duty must occur within Program policy using the [MRP-346](#).
2. **Customer Service Hours.** Each Program must establish and ensure office coverage during customer service hours based on mission requirements.
3. **Core Times.** AMS minimum core times are Tuesday, Wednesday, and Thursday from 10 a.m. to 3 p.m., local time zone. Deputy Administrators may expand this timeframe based on mission requirements. This does not preclude nor restrict the use of core time deviations. The minimum core times may not be further constricted.
4. **Daily Flexing.** Flexing (gliding) is used by employees to vary the arrival/departure time and may be used to make-up time during the pay period in lieu of a charge to leave. Employees eligible for maxiflex may flex up to two hours each day, based on their [MRP-346](#), without prior supervisory approval. Deputy Administrators may adjust this timeframe as appropriate; however, some level of flexing must be permitted as it is inherent to the maxiflex work schedule.
5. **Weekend Work.** Deputy Administrators may limit the earning of base and credit hours on Saturdays and/or Sundays consistent with organizational needs. Before approving base or credit hours on weekends, supervisors must first consider current workloads for parity across their staff, i.e., does the request impact a singular employee who is unable to complete an individual assignment or does it impact an entire staff under pressure to complete a larger assignment?

Program Documentation: Once Program-specific maxiflex parameters are established, all employees under maxiflex must abide and operate by them. Programs must educate employees on their respective parameters and the AMS maxiflex policy. This includes training new AMS employees and those who transfer between AMS Programs.

The policies outlined in this Administrative Notice will not apply to AMS bargaining unit employees until bargaining obligations are met.

Refer questions on Program Policy to the Program's Resource Management Staff. Operational questions may be referred to your servicing [Leave and Compensation Specialist](#), Human Resources Operations. Questions on this AMS Administrative Notice may be referred to the Human Resources Division Policy Branch's [Pay, Leave and Tours of Duty Specialist](#).

All policy changes described in this Administrative Notice remain in effect for one year from the date of its issuance, or until superseded by an AMS or MRP directive, whichever occurs first.

Attachments:

1. Program Considerations
2. Definitions

/s/

Erin Morris
Associate Administrator
Agricultural Marketing Service

Attachment 1: Program Considerations

Programs may establish specific internal maxiflex parameters within the overarching AMS policy. Because of the variety of work carried out by the Programs, there is no limit to the number of parameters that may be established within a Program. Program parameters must describe, in writing, the standards with which regular and recurring employee tours of duty (base hours) will *usually* conform to facilitate mission accomplishment. The parameters must be made available to employees and will be published in a future update to the MRP Human Resources Desk Guide. These parameters may cover an entire Program, a unit within the Program, or employees who carry out specific functions. Program options include:

- Which staffs/functions/types of employees are covered.
- The core hours for each staff/function/type of employee.
- Whether there are restrictions within the 24/7 time-band for when regularly scheduled hours will normally be approved (e.g., 6am – 6pm, Monday – Friday).
- The approval requirements for an employee to flex (i.e., to earn base and/or credit hours) on Saturdays and/or Sundays (base hours would include a Sunday differential).
- Whether there are restrictions on how much employees may flex their start and stop times without supervisory approval (e.g., up to two hours before or after the scheduled time; employees are expected to be on time for meetings).
- The organizational level(s) with authority to approve short-term (e.g., up to four pay periods) and long-term deviations from the scheduling norms (e.g., first line supervisor).

Program considerations for Program parameter(s) may be dependent on the nature of the Program's work including, but not limited to:

- Frontline/external customer-facing roles;
- Days/hours not controlled by USDA, e.g., external stakeholder business hours;
- Laboratory tasks;
- Front desk and administrative assistance; and/or
- Availability of employees for meetings and other regular business needs throughout a traditional workday.

Attachment 2: Definitions

AMS Umbrella Maxiflex Policy: The overall policy under which AMS Programs must establish their maxiflex parameters.

Base Hours: The number of hours, excluding overtime hours, an employee is required to work or to account for by charging leave, credit hours, excused absence, holiday hours, compensatory time off, or time off award.

Compensatory Time Off In Lieu of Overtime Pay (“comp”): Comp time is time off in an amount that is equal to the number of irregular or occasional overtime hours worked. Under the maxiflex work schedule, comp time may also be earned for regular overtime. ***Compensatory time must be used within 26 pay periods after the pay period it was earned. Also, compensatory time must be used before annual leave is used, unless this would result in a forfeiture of annual leave.***

Core Hours: The time periods during the workday, workweek, or pay period during which an employee covered by a flexible work schedule is required by the agency to be present for work. (An employee must account for missed core hours [if approved] with a core time deviation, leave, credit hours, or compensatory time off.)

Core Time Deviation: Under maxiflex, this is an absence specifically authorized by the supervisor during the core time that may be made up within the same pay period during flexible time bands in lieu of a charge to any type of leave.

Credit Hours: Any hours worked that are in excess of a full-time employee's basic workweek requirement of 80 hours of work in a pay period and that the employee elects to work during flexible times so as to vary the length of the workweek. Credit hours are distinguished from overtime hours (and compensatory time) in that they do not constitute overtime work. Overtime work is work in excess of 8 hours in a day or 40 in a week that is officially **ordered and approved by management in advance** of the work being performed by the employee. Compensatory time is earned in lieu of **overtime** pay for irregular or occasional or regular overtime. **Credit hours are worked at the employee's option.**

Flexible Hours: The times during the workday, workweek, or pay period during which an employee covered by a flexible work schedule may choose to vary their times of arrival to and departure from the work site **consistent with the duties and requirements of the position** (i.e., supervisors are not obligated to approve regular work schedules that incorporate evenings and Saturdays/Sundays if those hours are not conducive to mission accomplishment).

Flexible Work Schedule: A biweekly basic work requirement that allows an employee to determine their own schedule within the limits set by the agency.

Maxiflex: A type of flexible work schedule that contains core hours on fewer than 10 workdays in the biweekly pay period and in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period, but in which an employee may vary the number of hours

worked on a given workday or the number of hours each week within the limits established by this policy and Program maxiflex parameters. The AMS umbrella maxiflex policy establishes overarching Agency policy under which Programs may establish internal parameters to support supervisors and employees managing the maxiflex work schedule.

Program Parameters: Based on the AMS Umbrella Maxiflex Policy, each Program will establish and rely on these specific parameters.