



## Cayman Islands Government PERSONNEL CIRCULAR 16 OF 2020

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### **Subject: Flexible Working Hours as Part of Flexible Working Arrangements (Non-Emergency Conditions)**

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#### **1. Introduction**

To facilitate business continuity at the height of the COVID-19 pandemic, the Civil Service adopted Personnel Circular 5 of 2020 "COVID-19 Flexible Working Arrangement Policy". Those flexible working provisions were introduced within the context of strict shelter-in-place and social distancing requirements, and were underpinned by changes to the way business activities were being carried out, including the timing of service delivery (i.e. the need for more flexible and/or different hours of work).

With the success achieved thus far in containing the transmission of COVID-19, the Government has moved to COVID Suppression Level 2 - Phase 3 which further indicates the return to normality. Consequently, after six long months, the Civil Service is once again able to return to regular working arrangements including, in many cases, returning to established business hours.

Whilst utilising flexible working hours will remain one of the ways our Civil Service can deliver its work going forward, it will cease to be the primary way services are delivered. As was done during the height of the pandemic, the use of flexible working arrangements must be assessed against how well it optimizes customer outcomes. In making future decisions about flexible working arrangements, it will be important to strike a balance between the need for standard working hours to facilitate both the delivery of services and effective teamwork with any productivity gains and work/life balance benefits, such as traffic avoidance.

#### **2. Implementation and Eligibility**

This policy is applicable to all Civil Servants with effect from 9<sup>th</sup> September 2020 and will remain in effect until further notice. It replaces Personnel Circular 5 of 2020 "COVID-19 Flexible Working Arrangement Policy" and the Personnel Circular dated July 2012 entitled "Government Administration Building Work Hours Policy".

This policy may also be specifically adopted or adapted as necessary by the Statutory Authorities and Government Owned Companies.

#### **3. Policy Statement**

This Flexible Working Hours policy provides arrangements for a flexible system of attendance to help employees manage their daily hours to meet the needs of the business while seeking to better accommodate the needs of our employees. To ensure the seamless delivery of government services and enhance work/life balance, Appointing Officers may authorise scheduled times of arrival and departure for staff that differ from standard working hours, as long as the scheduled hours are within policy guidelines.

The availability of flexible working hours is not intended to change the regular hours of operation of the Civil Service, nor does it alter the responsibility or diminish the authority of Appointing Officers to establish and adjust work schedules.

The operation of a Flexible Working Hours policy is not a contractual entitlement nor is it compatible with all job functions. As such, flexible working arrangements may only be agreed/adopted in certain roles/departments and should be reviewed periodically to determine the effectiveness and continued appropriateness of such



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arrangements. The Appointing Officer reserves the right to modify or withdraw agreed arrangements at any time.

### 4. Definitions

**Standard Working Hours:** the standard hours of work for full-time staff, contracted to work a 37.5 hour work week is Monday to Friday from 8:30 am to 5:00 pm (with a one hour lunch break taken between 12noon and 2pm).

**Flexible Working Hours:** are those where an employee, who would ordinarily be required to work the Standard Working Hours, agrees and subsequently carries out their responsibilities during times that differ from the Standard Working Hours (i.e. hours that **are not** the Standard Working Hours but are within the working hour arrangements outlined below).

The Cayman Islands Government recognizes the following Flexible Working Hours arrangements;

- **Staggered or Split Workhours:** where an employee agrees and carries out their hours in an agreed staggered or split-working pattern.

An employee agrees and works a schedule to avoid peak traffic times.

E.g. 1 Employee works from 7:30am to 4:00pm Monday to Friday. [Staggered]

E.g. 2 Employee works 8:30am to 5:00pm Tuesday to Saturday. [Staggered]

E.g. 3 Employee works from 7:00am to noon and 3:30pm to 6pm. [Split]

- **Compressed Working Week (limited application for brief/finite periods only – to be agreed between the employee and their Manager/Appointing Officer):** where an employee agrees and works their usual hours in fewer days by working longer blocks.

E.g. 1 An employee agrees and works their 37.5 hours in four days in order to have a set day off during the week.

E.g. 2 An employee agrees and works additional hours over a two week period in order to have a set day off during week three.

Both flexible working hours and remote working form part of the Government's Flexible Working Arrangements. The provisions for remote working are outlined in Personnel Circular 15 of 2020 "Remote Working as Part of Flexible Working Arrangements" and may be considered in conjunction with this policy.

### 5. Authorisation for Flexible Working Hours

A Civil Servant wishing to apply for, or to retain, the flexible working hours arrangement introduced as a result of COVID-19 should make their request in writing to their manager. A standard request form is included in Appendix A. Appointing Officers should make decisions in relation to flexible working hours in line with considerations outlined in section 6 below.



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### 6. **Determining the Appropriateness of Flexible Working Hours for Civil Servants**

Flexible Working Hours will not be appropriate for all roles or situations, and any decision on flexible working arrangements must first and foremost recognise the priority to efficiently and effectively deliver Government services.

Except in exceptional circumstances, flexible working is not appropriate for shift workers (whose hours have already been established in response to service demands) and individuals on Teacher's Terms and Conditions.

In making a determination as to whether an employee can have flexible working arrangements the Appointing Officer should consider:

- Client/customer needs (i.e. can services only be accessed/requests only be processed during the normal operating hours of the agency);
- Where the individual is a supervisor, the needs of the individual's direct reports to have access to management support;
- Whether the proposed work schedule will enable the Civil Servant individually to fully meet job responsibilities;
- Whether the proposed work schedule will enable the team to fully meet team responsibilities;
- Whether there would remain sufficient coverage to meet service provision requirements, including peaks in customer demand, should there be unexpected absences by other members of the team;
- Whether the employee has the sufficient experience and skill-level to take control of when and how he/she gets the work/job done without the need of a manager providing direction, support and monitoring activities (where arrangements mean that individuals will be working different hours to their managers);
- Whether there are any health and safety reasons that would prohibit approval of the flexible working arrangement proposed (e.g. excessively long hours);
- The needs of the employee;
- Whether the employee has demonstrated high performance and adherence to the agreed arrangements in working flexible hours in the past. A trial period may be considered where individuals have not previously undertaken flexible working.

Civil servants who work flexibly are expected to fulfill their official responsibilities and to comply with applicable policies, regardless of when they are undertaking their responsibilities. Employees can work flexibly when they:

- Consistently produce the required outputs to the required standard;
- Maintain satisfactory performance levels;
- Hold jobs that are suitable to be performed outside of standard hours;
- Consistently satisfy agreed working hours;
- Meet all eligibility requirements; and
- Have the approval of their managers.

Approval for flexible working arrangements shall be granted only when the Appointing Officer believes that the change in working hours will maintain or enhance the effective and efficient operation of the entity, and the employee's work performance will not be adversely affected. The decision to approve a request for flexible working arrangements is at the sole discretion of the Appointing Officer.



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**7. Managing Flexible Working Arrangements**

Approved flexible working arrangements should be documented in writing. Appendix A contains the application form that should be used to request and document decisions about flexible working arrangements.

It is the responsibility of the Manager/Appointing Officer to monitor and verify the performance of employees on approved flexible working schedules.

**8. Failure to Comply**

Flexible Working Arrangements are a discretionary benefit and employees who fail to comply with the requirements of their flexible working arrangement may have those working arrangements withdrawn. Breaches may also constitute a disciplinary matter and be considered under the relevant section of the Public Service Management Law and Personnel Regulations.

**9. Further Advice on this Circular**

Questions on this Policy should be directed to your HR Manager or to the dedicated PoCS mailbox for HR queries at [CIGHRConnect@gov.ky](mailto:CIGHRConnect@gov.ky)

**Issued by:**

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**Gloria McField-Nixon**  
**Chief Officer**  
**Portfolio of the Civil Service**



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**Appendix A to Personnel Circulars 15 & 16 of 2020**

**Application Form for Remote Working and/or Flexible Working Hours**

Reference is made to Personnel Circular 15 (Remote Working) and 16 (Flexible Work Hours). This form should be used by employees to submit requests for consideration of variations to standard working arrangements. Please complete the application and submit to your line manager or Appointing Officer (as specified within your entity) for consideration.

<b>Section A: Details of Request [To be Completed by Employee]</b>			
<b>Employee Name:</b>		<b>Dept:</b>	
<b>Position Title:</b>		<b>Manager Name:</b>	
<b>Remote Working</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No    If yes, requested dates of arrangement: _____ <input type="checkbox"/> If yes, please specify remote location:		
<b>Flexible Work Hours</b> [Tick all that apply]	<input type="checkbox"/> Staggered Hours <input type="checkbox"/> Split Hours <input type="checkbox"/> Compressed Work Week (limited application) Requested dates of arrangement:		
<b>Describe the flexible working arrangements you are requesting [i.e. the proposed hours, days of the week, work location etc.]</b>			
<b>Reason for Request:</b>			
<b>Employee Signature:</b>		<b>Date Submitted:</b>	

<b>Section B: Decision [To be completed by Manager/Appointing Officer]</b>			
<b>Manager Name:</b>		<b>Manager Position Title:</b>	
<b>Decision:</b>	<input type="checkbox"/> Request Approved <input type="checkbox"/> Modified Arrangement Agreed with Employee <input type="checkbox"/> Request Declined Rationale for Decision:		
<b>Manager Signature:</b>		<b>Date:</b>	
<b>Appointing Officer Signature<sup>1</sup>:</b>		<b>Date:</b>	

<sup>1</sup> Dual signatures (line manager and Appointing Officer) are only required where line managers **do not** have delegated HR authority or this is the agreed practice within the entity.



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Section C: Final Arrangement [To be completed by Employee and Appointing Officer - FOR APPROVED REQUESTS ONLY]			
<b>Type of Flexible Arrangement Approved</b>	<input type="checkbox"/> Staggered Hours <input type="checkbox"/> Split Hours <input type="checkbox"/> Compressed Work Week (limited application) <input type="checkbox"/> Remote Working      Agreed Dates of Arrangement:		
<b>Duration of trial period:</b> [if applicable]		<b>Next Review Date:</b> [if applicable]	
<b>Description of flexible working arrangement approved</b>	[Enter details of flexible working arrangement approved if different from Section A]		
<b>Expectations for Employee</b>	[Enter any specific expectations for the employee not outlined in the relevant policies e.g. Core hours that must be worked, required office notifications, timely deliverables as agreed etc.]		
<b>Review/renewal date:</b> [date to review arrangement to determine whether to continue/discontinue]			

<b>Agreement of Manager:</b>			
In making this decision, I have considered and applied the criteria outlined in Personnel Circulars 15 and 16 of 2020. I am approving this arrangement on the condition that it must maintain or enhance the effective and efficient operation of the entity, and the employee's work performance will not be adversely affected. I have discussed the contents of this document with the employee.			
<b>Manager Signature:</b>		<b>Date:</b>	
<b>Appointing Officer Signature<sup>2</sup>:</b>		<b>Date:</b>	

<b>Agreement of Employee:</b>			
I have read, understood and agree to abide by the requirements of Personnel Circulars 15 and 16 of 2020 (as may be revised from time to time), which outline the provisions for flexible working hours and remote working under the Civil Service's discretionary flexible working arrangements. I understand and agree that my approved remote working location does not alter my normal place of work as stipulated in my Employment Agreement. I attest that where remote working has been agreed, the remote location constitutes a suitable workplace. When/if I am authorized to work remotely, I attest that I have read, understood and agree to adhere to Appendices A and B of Personnel Circular 15 of 2020 (i.e. Protocols for Remote Working and Video Conferencing). I acknowledge that I am obligated to abide by the working arrangements that are agreed between me and my manager as outlined above, and as otherwise stipulated in the relevant Personnel Circulars. I understand that flexible working arrangements are not a right and that my manager may require me at any time and for any reason to return to the regular work schedule. I agree to do so immediately upon request.			
<b>Employee Signature:</b>		<b>Date:</b>	

<sup>2</sup> Refer to footnote 1 above.