

**Phase 1**  
**Job Aid for Management**  
**Hours of Work Week and Schedule Changes**

Action
<p>Prior to making adjustment to an employee's hours of work or schedule change, an Agency should contact the Labor Relations Division at <a href="mailto:Labor.relations@state.nm.us">Labor.relations@state.nm.us</a>.</p>
<p><b><u>CWA Agencies – Article 12:</u></b></p> <p><b>Section 2- Work Week.</b> The Employer may change a work week schedule (e.g., from five [5] days of eight [8] hours to four [4] days of ten [10] hours) that exists at a particular worksite as of the effective date of this Agreement in accordance with its <b>Management Rights</b></p> <ul style="list-style-type: none"><li>• <b>Management Rights - Article 5; Section 1; L- determine scheduling.</b> Prior to implementing any change in existing terms or conditions of employment, the Employer shall provide the Union with reasonable notice under the circumstances of such contemplated action and, if requested to do so, shall bargain with the Union in good faith to impasse, prior to implementing such changes.</li></ul> <p><b>Section 11. Employer Schedule Changes.</b> Changes in employee schedules may be made only to meet the legitimate and unanticipated operational and budgetary needs of the worksite; provided, however, no changes to schedules will be made to avoid the payment of overtime or accrual of compensatory time.</p>
<p><b><u>AFSCME Agencies – Article 28:</u></b></p> <p><b>Section 1 – Work Week</b></p> <p>A. The Employer may change established work schedules in order to meet legitimate public service and operational needs. Assignment of overtime shall not constitute a change in the work schedule. Prior to implementing such changes the Employer shall provide written notice to the Union and affected employees as follows:</p> <ol style="list-style-type: none"><li>1. Sixty (60) days when adding one or more workdays to the work week (i.e. Saturday and/or Sunday);</li><li>2. Forty-five (45) days when changing the length of the workday (e.g. from eight (8) hours to ten (10) hours) or changing starting/quitting times by more than two (2) hours;</li><li>3. Twenty-one (21) days when changing starting/quitting time by two (2) hours or less.</li></ol> <p>The written notice of changes in 1 and 2 above shall be executed by the head of the agency. The Union may request bargaining over the change within fifteen (15) days of receipt of the notice.</p> <p>The failure of the parties to reach Agreement shall not require the Employer to delay implementation of the change. In the event of an impasse in bargaining, the parties shall resolve the impasse in accordance with the PEBA or any other expedited impasse resolution procedures mutually agreed upon by the parties; provided, however, the impasse resolution shall be limited to proposals relating to the impact and implementation and not the decision to make the change.</p>