



STATE OF DELAWARE
THE JUSTICE OF THE PEACE COURT

5 E. PINE STREET
GEORGETOWN, DELAWARE 19947
TELEPHONE: (302) 856-5871
FAX: (302) 856-5919

2 PENNS WAY
SUITE 100 B
NEW CASTLE, DELAWARE 19720
TELEPHONE: (302) 323-4530

ALAN G. DAVIS
CHIEF MAGISTRATE

POLICY DIRECTIVE 21-266 (REVISED)

TO: JUSTICE OF THE PEACE COURT EMPLOYEES

FROM: ALAN G. DAVIS *A.G.D.*
CHIEF MAGISTRATE

DATE: FEBRUARY 1, 2024

RE: ALTERNATIVE WORK SCHEDULES (AWS)

Scope:

This Policy Directive outlines an internal policy for Alternative Work Schedules for all Justice of the Peace Court employees.

Justice of the Peace Court Policy:

The Justice of the Peace Court is supportive of Alternative Work Schedules (AWS) for employees. It is the policy of the Justice of the Peace Court that Alternative Work Schedules for employees may be authorized pursuant to the State of Delaware Alternative Work Schedule Policy. Certain positions may not be eligible for AWS due to operational needs or the essential duties of the position.

Effective Date:

This policy shall take effect immediately upon issuance and shall continue until further notice.

Discussion:

The Justice of the Peace Court supports providing employees flexibility in their work schedule to meet the needs of the Court while improving life work balance. To meet the

business needs of the Court and provide this additional privilege and opportunity to our employees, the Justice of the Peace Court adopts the State of Delaware Alternative Work Schedule Policy (Revised September 2022).

Responsibilities:

Employees must follow the provisions of this policy. Managers/Supervisors are to ensure that this policy is executed in a consistent manner and are required to notify Human Resources of any violations of this policy. Human Resources will assist Managers/Supervisors as required to interpret the policy and serve as a liaison between manager and employee when necessary to ensure compliance. Human Resources will ensure consistency in the application of this policy across the Court.

Procedure:

Employees shall be eligible to request an AWS once they have successfully completed their initial probationary period.

Employee is to present and discuss their desired AWS with their manager/supervisor for guidance and direction in completing the request.

Employee is to prepare and submit to their manager/supervisor the Alternative Work Schedule Agreement with their desired alternative work schedule.

Manager/Supervisor is to review and based on operational needs, employee performance and attendance, approve or deny the request. Manager/Supervisor is encouraged to discuss scheduling options with the employee if needed to meet business needs. If Manager/Supervisor approves the request, they should complete the manager approval section of the AWS agreement and submit it to their Operations Manager. If the request for AWS is denied, the manager, in conjunction with the Operations Manager, is required to provide reasons for the denial to the employee.

The Operations Manager/Direct Supervisor is to review the request based on operational needs and other considerations and either complete their portion and submit the request to Human Resources or reject the request and provide the manager/supervisor with reasons for the rejection. If the Operations Manager/Direct Supervisor identifies other options for the employee to consider, they should present these to the manager/supervisor for discussion with the employee. The employee is permitted to resubmit the request with changes for review.

Human Resources will review the request and make the final determination to ensure consistency in the application of this policy across the Court. If the request is denied, reasons will be provided to the Operations Manager for consideration and discussion with the manager/supervisor and the employee.

All AWS agreements shall be reviewed annually for renewal and signed by the employee, the employee's supervisor, the Operations Manager, and Human Resources.

Procedure to Remove AWS from an Employee:

A manager/supervisor who would like to remove an employee from an existing AWS must obtain approval to do so. The manager/supervisor is responsible for obtaining approval from their

Operations Manager and Human Resources prior to communicating the removal of the AWS from the employee.

Attachments: Justice of the Peace Court Alternative Work Schedule Agreement

cc: Honorable Collins J. Seitz, Jr.
Honorable Kathaleen S. McCormick
Honorable Jan R. Jurden
Honorable Carl C. Danberg
Honorable Michael K. Newell
Gayle P. Lafferty, State Court Administrator
All Justice of the Peace Courts
Elizabeth Petrick, Justice of the Peace Court Administrator
Stephanie Parker, Justice of the Peace Court Deputy Administrator
Rebecca Trifillis, Esquire, Justice of the Peace Court Staff Attorney
Jennifer L. Kline, Esquire, Justice of the Peace Court Staff Attorney
Roger Roof, Operations Manager
Jacquetta Livingston, Operations Manager
Kevin Jackson, Chief of Uniformed Services
Law Libraries: New Castle County, Kent County, Sussex County
Widener University School of Law



Justice of the Peace Court Alternative Work Schedule Agreement

Employee's Name: _____ Position: _____

Department/Agency: Justice of the Peace Court - _____

Employee hereby requests the following alternative work schedule:

FIRST WEEK	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Start Time:							
Lunch:	30 Minutes	30 Minutes	30 Minutes	30 Minutes	30 Minutes	30 Minutes	30 Minutes
End Time:							
Hours Worked:							
SECOND WEEK	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Start Time:							
Lunch:	30 Minutes	30 Minutes	30 Minutes	30 Minutes	30 Minutes	30 Minutes	30 Minutes
End Time:							
Hours Worked:							

Please note the following information:

Employees working alternative schedules who are covered by the Fair Labor Standards Act (FLSA) may not be scheduled to work more than 40 hours in any week. The employee accepts that by requesting an AWS, any hours worked between 37.5 and 40 hours per week are not compensable at time and a half. Hours worked over 75 hours in a pay period are compensable at over time rates.

If you work at a 16 or 24-hour location and your work schedule is such that you are eligible to receive shift differential, an AWS does NOT entitle you to that shift differential. Judicial Branch Personnel Rule 5.13.1 states shift differential is pay for working inconvenient hours and schedules authorized at the Employer's discretion. Shift differential is not authorized for flexile or compressed schedules established at the request of, and only for the convenience of, Employees.

Holidays

If you are not scheduled to work on the holiday, as part of your scheduled rotation, you will:

1. Revert to a 5-day, 7.5 hour workweek for the full pay period in which the holiday falls; or

2. Schedule an alternative day off within the same workweek as the holiday with agreement from your manager/supervisor in advance.

If you are scheduled to work on the holiday, you will be considered off the holiday for 7.5 hours, BUT you will be required to cover any remaining number of AWS scheduled hours from your reserves of compensatory or annual leave, OR you will have to make up the additional time at some point during that work week as shall be agreed upon in advance with your manager/supervisor.

Annual and Sick leave

All annual and sick leave must be used on an hour by hour basis. In other words, if you wish to take off an entire day, you will be required to use the number of AWS scheduled hours of sick and annual leave to cover your entire scheduled workday.

If an employee on AWS is on approved full-time leave for a period of more than two weeks, the employee's AWS will automatically revert to a standard workweek schedule for the duration of the time the employee is not working. This includes approved Family and Medical Leave Act (FMLA), intermittent or continuous and/or short-term disability, or extended leave.

Schedule Changes

Adjustments to this schedule MAY be accommodated on a VERY LIMITED basis. However, all such changes must be approved by your Supervisor or Chief and they must be requested as far in advance as possible. Any adjustments must still ensure a 75-hour bi-weekly AWS, not to exceed 40 hours in a week (if FLSA non-exempt) and shall be at the sole discretion of your immediate supervisor.

JP Court may require you to return to the standard workweek schedule if Court operations require it or for other work-related reasons such as, employee performance, misconduct, attendance issues, or other valid justification, with two (2) weeks' notice.

Management or Human Resources reserves the right to temporarily revert the schedule to a normal workweek or to a special flexible schedule to accommodate training, attendance at conferences, or other special events.

By signing this, you agree to abide by this Alternative Work Schedule Agreement.

Signature of Employee	Date	
Supervisor Name Printed	Signature	Date
Operations Manager/Chief of Uniformed Services Name Printed	Signature	Date
Human Resources Name Printed	Signature	Date

cc: Manager/Chief
Personal File