



STATE OF DELAWARE
THE JUSTICE OF THE PEACE COURT

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POLICY DIRECTIVE 21-266

**TO: MERIT AND NON-MERIT JUSTICE OF THE PEACE COURT
EMPLOYEES**

FROM: ALAN G. DAVIS 
CHIEF MAGISTRATE

DATE: JUNE 28, 2021

RE: ALTERNATIVE WORK SCHEDULES (AWS)

Scope:

This Policy Directive outlines an internal policy for Alternative Work Schedules for all merit and non-merit 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 merit and non-merit employees may be authorized pursuant to the State of Delaware Alternative Work Schedule Policy.

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 December 2016).

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:

Employee is to present and discuss their desired AWS with their manager/supervisor for guidance and direction for 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 and other considerations set forth in the State of Delaware Alternative Work Schedule Policy, 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 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.

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

Marianne Kennedy, Justice of the Peace Court Administrator
Rebecca Trifillis, Justice of the Peace Court Staff Attorney
Mark Hitch, Operations Manager
Stephanie Parker, Operations Manager
Michael Iglio, 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	Monday	Tuesday	Wednesday	Thursday	Friday
Start Time:					
Lunch:	30 Minutes	30 Minutes	30 Minutes	30 Minutes	30 Minutes
End Time:					
Hours Worked:					
SECOND WEEK	Monday	Tuesday	Wednesday	Thursday	Friday
Start Time:					
Lunch:	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.

Holidays

If you are not scheduled to work on the holiday, as part of your scheduled rotation, you will receive 7.5 hours of compensatory time to be used as a later date.

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.

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.

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. If an employee is out for a period of more than two weeks, then his/her schedule automatically reverts to a normal schedule for the duration of the time that he/she is not working, this includes approved Family and Medical Leave Act (FMLA), intermittent or continuous and/or short-term disability, or extended leave.

By signing this, you agree to the Alternative Work Schedule Policy and Agreement.

_____ Signature of Employee	_____ Date	
_____ Supervisor Name Printed	_____ Signature	_____ Date
_____ Manager Name Printed	_____ Signature	_____ Date
_____ Human Resources Name Printed	_____ Signature	_____ Date

cc: Manager/Chief
Personal File