

MANTILLA, Chona M.

Re: Half-day Absence for Flexitime;
Request for a Ruling

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RESOLUTION NO. 020975

Chona M. Mantilla, Director III, Human Resource Development Service, Department of Labor and Employment (DOLE), Manila, requests a ruling on the issue on half-day absence for offices with flexible working hours.

The request of Mantilla reads, in part, as follows:

*"May we seek clarification on the **definition of half-day absence for offices with gliding flexible work schedule**. The Department of Labor and Employment adopts gliding flexitime working hours from 7:00 a.m. to 6:30 p.m. specifically from Tuesday to Friday and from 7:00-8:00 a.m. to 4:00-5:00 p.m. on Monday. The core working hours are from 9:30 a.m. to 4:00 p.m. from Tuesday to Friday. Lunch break is maintained at 12:00 noon to 1:00 p.m.*

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". . . may we be clarified if our employees can still incur half-day absence despite the observance of gliding flexible work hours. If yes, what is the parameter of such an absence? To illustrate, is it strictly four (4) hours absence from work from 7:00-11:00 a.m.; 8:00-12:00 a.m.; 8:30 a.m.- 12:30 p.m.; 9:00 a.m.-1:00 p.m.; 9:30 a.m.-1:30 p.m. or from 1:00-5:00 p.m.?"

Director Mantilla represented that DOLE observes the "*gliding flexible working hours*" of 7:00 in the morning to 6:30 in the evening, save on Monday where the working hours is from 7:00-4:00 or 8:00-5:00 with core working hours of 9:30 in the morning to 4:00 in the afternoon. Lunch break is maintained at 12:00 noon to 1:00 in the afternoon. She now inquires on what rule to apply in computing half-day absence for those observing flexible working hours.

In the instant case, since DOLE observes a "*gliding flexible working hour*" schedule, then the employee who reports to work late must offset the same with the corresponding length of time he/she was late during the same day before leaving the office. This however, is premised on the condition that said employee reported to work after the regular working hours but before the core hours set by the head of the agency. In **Yadao-Guno, Carmencita (CSC Resolution No. 00-0970 dated April 7,**

2000), the Commission had the opportunity to expound on the matter, as follows:

"Corollarily, if an office adopts the flexible time, then an employee who reports for work late, must off-set the same with the corresponding length of time he was late before leaving the office. Should said employee fail to off-set the length of time he was late in reporting for work, then he may be considered to have incurred tardiness.

"The foregoing situation is premised on condition, however, that said employee reported for work after the regular working hours but before the core hours set by the head of agency, during Mondays to Fridays, during which an employee is required to be in the office. An employee who reports after the start of the core working hours shall be considered tardy. In the same manner, an employee who leaves before the end of the core hours shall be considered on undertime and such period of time shall be accordingly deducted from the employee's leave credits.

"To illustrate, should the head of agency adopt 9:30 a.m. to 4:00 p.m. as its core hours, then the employees of the agency are required to be in the office within such period of time. If an employee reports for work, say at 8:20 a.m., then he must render service up to 5:20 p.m. so that he would not be considered tardy for that particular day. However, should an employee report for work after 9:30 a.m., then he shall be considered tardy as he is barred from off-setting his tardiness. On the other hand, should he leave the office before 4:00 p.m., he shall be considered on undertime and the period of time he is considered on undertime shall be deducted from his leave credits"

At the outset, it must be emphasized that heads of departments, agencies or instrumentalities are allowed to adopt a system of flexible working hours that is most suitable and convenient for officials and employees within their jurisdiction for as long as it will not prejudice the smooth and efficient delivery of public service, and that, the required forty (40) working hours a week shall not be reduced. Relevant to the issue in this case are **Sections 5 and 6 of the Omnibus Rules Implementing Book V of Executive Order 292** which provide, as follows:

*"SEC. 5. Officers and employees of all departments and agencies except those covered by special laws shall render not less than eight hours of work a day for five days a week or a **total of forty hours a week**, exclusive of time for lunch. As a general rule, such hours shall be from eight o'clock in the morning to twelve o'clock noon and from one o'clock in the afternoon on all days except Saturdays, Sundays and Holidays.*

*"SEC. 6. Flexible working hours may be allowed subject to the discretion of the head of department or agency. **In no case shall the weekly working hours be reduced in the event the department or agency adopts the flexi-time schedule in reporting for work.**" (emphasis supplied)*

Moreover, in **CSC Resolution No. 94-0502 dated January 20, 1994 (Batilong, Hermocillos C., Re: Shifting of Work Schedule)** the Commission explained that *"heads of departments have authority and discretion to arrange the working*

hours of their employees subject to the condition that these comply with the 40-hour week law requirement"

Thus, in general, officers and employees of the government must render at least eight hours a day for five days for a total of forty hours a week, exclusive of time for lunch. However, the head of the agency is not precluded from adopting another work schedule in the light of the nature of work of the concerned personnel as long as the forty-hour work week requirement is complied with.

The issue now which needs to be resolved is whether there is half-day absence for those observing flexible working schedule.

In answering the issue, we have to revisit the concept of half-day absence as enunciated in **CSC Resolution No. 00-2473 dated October 27, 2000 Re: Prudencio, Elvira M.** where the Commission stated that *"half-day absence is incurred when an officer or employee does not report for work either for the whole morning or the whole afternoon."* In said case, however, half-day applies only where the working day of the agency is from 8:00 A.M. to 12:00 noon for the morning session, and from 1:00 P.M. to 5:00 P.M. for the afternoon session. A closer look at the concept of half-day reveals that it is called half-day absence because the employee was absent for four hours which is equivalent to one-half of the required eight hours of work in a day. Thus, if an employee did not work for two hours, or six hours, the same may be called one-fourth or three-fourths absence, respectively. Viewed in this light, it becomes immaterial whether it is a half-day absence or not; what really governs is the number of hours an employee did not work in a day, which shall be the basis for deducting equivalent portions from his/her leave credits. In other words, an employee shall be paid his/her salary based on the number of hours he/she worked.

Pointedly, Civil Service Law, Rules and Regulations are silent as to the half-day absence. This is so, because half-day absence is in reality tardiness or undertime for four hours which will be deducted from the employee's accrued vacation leave credits or salary, in case all his/her vacation leave credits had been exhausted, whether the agency is observing flexitime or regular work hours.

It is noteworthy to mention, however, that for agencies observing Full Flexitime Work Schedule (as distinguished from the DOLE's *"gliding flexitime work schedule"*), undertime shall be computed on a weekly 40-hour basis. For instance, as long as the officer or employee renders service during the core working hours and compensates the deficiency from the forty-hour requirement within the week, he/she will not be considered late or undertime. However, if he/she fails to meet the forty hours required during the week, the deficiency shall be correspondingly deducted from his/her vacation leave credits or salary in case all his/her vacation leave credits has been exhausted.

WHEREFORE, the Commission hereby rules that there is no half-day absence. Accordingly, any tardiness, undertime or deficiency in completing the required eight-hour work day (or forty-hour work week rule for those agencies observing full flexitime) shall be deducted from the vacation leave credits or the salary of the employee if the vacation leave credits had already been exhausted.

Quezon City, JUL 23 2002

(Signed)
JOSE F. ERESTAIN, JR.
Commissioner

(Signed)
J. WALDEMAR V. VALMORES
Commissioner

(Signed)
KARINA CONSTANTINO-DAVID
Chairman

Attested by:

(Signed)
ARIEL G. RONQUILLO
Director III

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