

Article 17

WORK SCHEDULES

17.1 GENERAL. The Parties recognize that there are unique coordination issues related to implementing alternative work schedules (AWS) in the Immigration Courts, and that a Judge's schedule must be established to ensure that the efficiency of court operations is not impaired. The Parties also recognize that the primary responsibility of Immigration Judges is to adjudicate immigration cases. Acceptable tours of duty are established by the Chief Immigration Judge (CIJ) or his/her delegate, and the Agency does not elect to negotiate tours of duty. Rather, a Judge may request a schedule within the acceptable tours of duty that conforms to Agency policy and the negotiated work schedule provisions set forth below, subject to Assistant Chief Immigration Judge (ACIJ) approval and the Agency needs and priorities. Subject to the limitations in this Article, a Judge may select a Fixed Eight-Hour Schedule (17.2.a), a Flexible Eight-Hour Schedule (17.2.b), or a Compressed Work Schedule (CWS) 5/4/9 (17.2.c). On any schedule, administrative time must be worked in the office. Notwithstanding anything in this article, exceptions may be granted on a case-by-case basis by the Judge's ACIJ, with approval of the CIJ or the CIJ's delegate, based on special circumstances, as long as these exceptions do not violate Article 2.3 of this contract or any provision of law.

17.2 SCHEDULE OPTIONS

- a. FIXED EIGHT-HOUR SCHEDULE – A Judge will work ten eight-hour days per pay period. Start and end times remain the same each day.
- b. FLEXIBLE EIGHT-HOUR SCHEDULE - A Judge will work ten eight-hour days per pay period. Start and end times may vary from day to day, but the Judge must work the core hours of 9:00 a.m. to 3:30 p.m. The core hours are subject to modification based on local constraints (e.g., movement of detainees). However, the Agency will seek to alleviate such local constraints where practicable.
- c. COMPRESSED WORK SCHEDULE 5/4/9 - A Judge will work eight nine-hour days and one eight-hour day per pay period, provided that the Judge works 80 hours per pay period. The start time must be the same each day.

17.3 SCHEDULE SELECTION AND CHANGES

- a. A Judge reassigned or transferred to a court must request his/her preferred schedule in the new court as soon as possible, but no later than five work days following the notification of the effective date of the transfer/reassignment. The notification of the effective date of the transfer/reassignment shall notify the Judge of schedule options in Section 17.2 and the deadline. A new Judge must

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request his/her preferred schedule in the new court no later than three work days following entrance on duty (EOD). The Agency shall advise the new Judge of schedule options in Section 17.2 and the deadline when the new Judge is given his/her EOD. All schedule requests must be approved by the Judge's ACIJ.

- b. A Judge on a flexible eight-hour schedule may not continue a case or otherwise manipulate his/her docket for the purpose of using flexible time, and the Judge must ensure that webTA accurately reflects actual start and end times each day.
- c. A Judge who selects a CWS schedule may indicate to the ACIJ his/her preferred day off ("CWS day"). Notwithstanding the Judge's preference, the ACIJ has the authority to select the Judge's CWS day, based on the needs of the court. ACIJs will strive to accommodate a Judge's stated preference for a CWS day and to distribute CWS days for Judges within a court evenly throughout the pay period; for example, in courts with 10 or more Judges on CWS, approximately 10% of Judges will share the same CWS day.
- d. Whenever the Agency determines that the distribution of CWS days in a court must be changed, the following procedures will be used:
 - i. The Agency will seek volunteers from the sitting Judges in that court to change their CWS day.
 - ii. Absent enough volunteers to meet the need for changes in CWS days, Judge seniority nationwide will be used to determine the order in which Judges select preferred CWS days.
 - iii. Any Judge who is given a new CWS day can opt instead to work a fixed eight-hour schedule or flexible eight-hour schedule.
- e. When a Judge is transferred and/or reassigned and requests a CWS schedule in the new court under Section 17.3.a, the ACIJ will strive to accommodate the preferred CWS day requested by the Judge, unless doing so would disrupt the schedules of other Judges in the court.
- f. Any schedule changes must be requested to and approved by the Judge's ACIJ.
- g. Judges in their trial period are not eligible to select a CWS schedule. A Judge in his/her initial judicial training period (approximately the first six weeks on duty) will work a fixed eight-hour schedule.
- h. An ACIJ may change a Judge's previously-established schedule based on the needs of the court. Absent exigent circumstances, the Agency will strive to give 30 days' notice before the effective date of an Agency-initiated schedule change.

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The 30-day notice does not apply if the Agency determines that the change is necessary to prevent serious handicap to the Agency in carrying out its mission, such change is necessary to avoid a substantial increase to costs, or the change is required in light of any other emergency situation.

- i. Despite any schedule selected by a Judge and approved by the Agency, the Agency maintains the option of removing a Judge from a flexible or compressed work schedule based on performance or conduct issues.

17.4 PILOT PROGRAM

The Agency will work with NAIJ to develop a pilot program in a suitable court (or courts) to offer a compressed 4/10 work schedule, where a Judge may work four days a week, 10 hours per day. In developing the pilot program, the Parties will consider and address its impact on court operations generally (e.g., staff scheduling, interpreter scheduling, security, office/courtroom space, etc.), as well as its impact on scheduled hearing time and case completions. The Parties will strive to develop the plan for the pilot program within six months of the effective date of this Article. If either the Agency or NAIJ determines that the pilot program would be detrimental to court operations or achievement of performance standards, the Agency may elect not to implement it. If the pilot is implemented, the Parties will assess its impact on court operations/performance standards after 120 days of implementation. Based on this assessment, the Agency, with NAIJ input, will determine whether to terminate, continue, or expand the pilot program.

For the Agency:

Katherine H. Reilly

11-21-17
Date

For the National Association of Immigration Judges:

Denise Johnson-Placini

11-21-17
Date

December 6, 2017

Effective Date: _____

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