Flexitime

Location: MUC

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Works Council Agreement on Flexitime

According to the works council agreement of 1 December 1998, the following regulations for flexitime apply at the Mch BM location of Infineon Technologies AG:

1. Principles

Flexitime (flexible working hours) is intended to allow employees[1] to determine individually the start and end times of their working day within the framework of statutory regulations and the conditions of the collective bargaining agreement. In this arrangement it is important to strike a balance between operational requirements and the individual employee's interests. The principles underlying the *top* initiative should serve as a guide here, where personal responsibility, motivation and trust between management and employees are critical to the success of this agreement.

2. Scope

This works council agreement applies to all employees (non-exempt staff, exempt staff) at the Mch BM location.

It does not apply to employees in the units listed in the Appendix.

Alternative flexitime arrangements can be agreed for individual employees or groups of employees on either a temporary or a permanent basis. This requires a supplementary works council agreement. Any existing works council agreements already concluded in this regard remain valid when the present flexitime agreement comes into effect.

3. Working Time

The standard working time corresponds to the contractual working hours in each case. Normal working time (usually Monday to Friday) includes a break of 42 minutes and is defined as follows:

35-hour week: 08.00 to 15.42
40-hour week: 08.00 to 16.42

4. Breaks / Personal Time

No break need be taken if the working time is less than 6 hours. If the working time is between 6 hours and 9 hours, then a break of 42 minutes should be taken. If the working time is more than 9 hours, then a 45-minute break should be taken (7 time units or 42 minutes should be taken into account in the balance).

This time can be divided into 2 breaks, one of which must be at least 30 minutes.

Interruptions to working time for private reasons or private absence times are to be deducted from the daily balance accordingly.

5. Time Frame

Subject to the restrictions defined in this works council agreement, employees can determine individually the start and end of their working day within the flexitime period of between 06.00 and 20.00. In this arrangement, the company's operational requirements should be reconciled with the personal interests of the employee. The regulations on working hours must be observed. In particular, the maximum daily working time of 10 hours (without rest breaks) must not be exceeded (in Germany, § 3 of the Working Time Law). Employees and management are responsible in equal measure for respecting these regulations.

[1] No distinction is made between male and female employees

Should it be necessary to work outside the time frame, this should be agreed with the Works Council.

6. Departmental Availability

Depending on operational requirements, departmental availability during normal working time (08:00 to 15:42) must be ensured by the attendance of individual employees, by reciprocal agreement. If no agreement can be reached between line management and employees, then a solution will be provided by the Human Resources Department and the Works Council.

7. Time Recording

All employees must complete their own time sheets. Entries can be made either as time units (1 unit = 6 minutes) or as clock times. Every employee has to keep a timesheet for each month (see Appendix), on which they enter the start and end of their working time.

A balance is normally entered in the appropriate column on the time sheet. At the end of the month the employee signs the time sheet.

For legal reasons (in Germany, § 16 of the Working Time Law), the employee is required to keep time sheets for a period of 2 years.

The individual handwritten records are based on the relationship of trust between line manager and employee. Any inconsistencies should immediately be brought to the attention of the Human Resources Department and the Works Council. The line manager or any third party is not allowed to keep, process or adjust any additional or different records beyond the information recorded by the employee.

The line manager and the employee are jointly responsible for complying with the working time regulations. To ensure compliance, the line manager needs to inspect and sign the information recorded by the employee at the end of each month. This information must be treated as confidential personnel files. The information records must not be used for assessing the employee. The Works Council and the Human Resources Department must be notified if the line manager wishes to inspect these records at any other time, and is not able to agree this with the employee.

8. Time Balance/ Time Compensation

If an employee exceeds the standard working time within the time frame, then time credits accumulate or a time deficit is reduced. If an employee does not achieve the standard working time, then time credits are reduced or a time deficit accumulates.

The line manager responsible must agree to the timing and duration of full days taken in lieu (as when annual leave allowance is taken). It is possible to accumulate free days within the framework of the balance limits.

The maximum balance is plus 80 hours.
The minimum balance is minus 30 hours.

Employees must inform their line manager if their balance exceeds plus 50 hours. The employee and line manager must then consider measures to reduce the balance. If the time balance exceeds 80 hours, then the employee and line manager must agree to reduce the balance to at least the 40 hours level. The time sheet can be used to record the agreed measures, signed by both employee and the line manager, if either of them so wishes.

If the time credit is expected to exceed the balance limits, then an application should be made for extra work, or an arrangement should be agreed with the Works Council, together with the Human Resources Department.

Time off in lieu is the preferred method of reducing the balance.

If it is not possible to reduce the balance by taking time off in lieu, and the maximum balance has been exceeded, then financial compensation can be used to reduce the balance (using extra work bonuses for non-exempt salary groups). A maximum of 50 hours can be paid once within a 6-month period. In order to keep the volume of hours liable for payment to an acceptable level, the appropriate measures should be agreed with Site Management at the request of the Works Council.

The Human Resources Department immediately sends the Site Management a copy of the special payment notification used for paid flexitime hours.

The paid flexitime hours must be deducted from the flexitime balance. A negative time balance (= time deficit) exceeding 30 hours can result in a reduction in pay. Site Management must be notified before a pay reduction is applied. Exceptional arrangements can be made in the event of several consecutive site closure days.

If an employee leaves the company or the flexitime agreements, then he or she should ensure that the time balance is settled in good time. If a time credit is nonetheless outstanding when the employee leaves, then financial compensation will be paid. A time deficit results in a corresponding reduction in pay.

9. Absence Times

The time balance is not affected by full-day absences (e.g. due to annual leave or sickness).

If an employee falls sick after starting work, then the standard working time is calculated for that day.

If working times vary from the standard working time as a result of business travel or occasional official absence, then these times are included in balance calculations. If travel times are liable for payment in accordance with the MTV, then the employee can optionally include these times in the flexitime balance as an alternative.

10. Extra Work

Extra work requiring authorization must be arranged in advance. If extra work hours are paid, then they must be deducted from the flexitime balance.

11. Inspection

On demand, Site Management and Works Council have the right to inspect the timesheets for the last 3 months and receive a copy if they so desire. As well as this, in accordance with the stipulations of the working time law, the authorities have the right to inspect the records for the last two years.

12. Information for Employees

Every employee receives a comprehensive information pack, as agreed between Site Management and Works Council, concerning flexitime regulations (Appendix 2). In addition to the works council agreement, it also contains notes on implementing flexitime.

13. Differences of Opinion

Differences of opinion as regards the interpretation of this works council agreement are to be settled promptly between Works Management and Works Council. Their decision is binding.

14. Final Provisions

If this agreement has to be modified as a result of changes to statutory conditions or collective bargaining agreements, then negotiations between Site Management and the Works Council will be initiated immediately to discuss any changes required; this agreement does not have to be terminated as a result.

This works council agreement comes into force on 01.03.1999.

It may be terminated with 3 months' notice, but not before 31.12.2000.

Month/Year: ...../.....

Location: Mch BM

Time record sheet (time units or clock time)

Name, first name: .....
Department: .....

Day (Date)	Attendance time			Minus		Daily balance		Total balance
	In	Out	Difference	Private break	Standard attendance	+	-	+ / -
					Total balance from previous month ➔			
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								
31								
					Total daily balance			
					Montly balance			
					Total balance from previous month			
.....					Minus overtime*			
Date Employee					Total month-end balance			

..... * paid overtime (basic remuneration and supplements)

Date Manager

Measures to reduce balance or notes on reverse.

Please retain this timesheet for two years to comply with statutory requirements (§ 16 Working Time Law).

Notes on Implementing Flexitime

1. Time Unit Calculation

To save you the time-consuming task of working out hours and minutes, the time can be recorded in time units. One hour has 10 time units of 6 minutes each. For the earliest possible start time of 06.00, the time unit is 60. 12.30 gives a time unit value of 125; the last standard time unit value allowed is 199 (19.54 - 19.59).

Alternatively, you can also record the actual clock times. The last allowable clock time is 20.00.

2. Time Recording Procedure

You should record the times immediately when starting and ending work. Working time starts and ends at the workplace. All entries should be permanent to prevent alteration, i.e. entered with a ballpoint pen. Use of a PC for keeping personal records and calculating times is allowed.

All unofficial work interruptions are to be recorded.

Leaving the site on official business during the flexitime period should not be entered on the timesheet.

Timesheets must be kept in a safe place by the person concerned. The completed timesheets should be retained for two years (according to § 16 of the Working Time Law in Germany).

3. Time Frame

Work done outside of the time frame of 06.00 to 20.00 represents an infringement of this works council agreement.

Exception: If special working time arrangements are agreed to, working times outside the time frame are also included in the daily working time calculations. Certain conditions must still be observed, in particular the maximum daily working time of 10 hours and the minimum rest period of 11 hours (between end of work and starting work again).

4. Breaks

The length of a break is dependent on statutory working time regulations.

There is no obligation to take a break if the working time is less than 6 hours (standard attendance = standard working time). If a break is taken, then it must be included in the daily difference calculations.

If the working time exceeds 6 hours, but is less than 9 hours, then a break time of 42 minutes or 7 time units applies (standard attendance = standard working time + break).

If the working time exceeds 9 hours, then the break time is 45 minutes. In this case, only 7 time units are counted to simplify the calculations.

5. Authorized Overtime

All overtime is included in the daily time records. At the end of the month, any overtime accounted for by basic payment (without time off in lieu compensation) and bonuses should be subtracted from the time balance for the current month.

Overtime compensated by time off in lieu (for which only the overtime bonus is therefore payable) should only be subtracted from the time balance when the time off in lieu is taken accordingly.

When accounting for proposed and authorized extra work, existing forms should continue to be used.

6. Official / Private Absences

If you start or finish work away from your normal workplace, then you should enter the relevant time units on the time sheet. The same applies to full days spent on business travel.

In the event of temporary absence due to inability to work or exemption from work, you should enter the start or end of normal working time (start of work: 08:00 = 80, end of work for non-exempt employees: 15:42 = 157, end of work for exempt employees: 16:42 = 167). If you fall sick after starting work, then the standard working time should be used for that day.

In the event of full-day, non-business absences (e.g. annual leave, sickness), the abbreviations listed in the Appendix should be used to describe the type of absence. Since the time balance is not affected by these full-day absences, no times should be entered.

If a full day off in lieu is taken, only the standard working time should be deducted, not the standard attendance time.

7. Time Evaluation

You are responsible for processing your own timesheet. The standard practice is to keep a time balance. However, the absence of a balance does not constitute a contravention of this works council agreement.

8. Daily Evaluation

The attendance time is calculated by subtracting the “departure” value from the “arrival” value and entering the resulting value in the difference column.

In order to determine any time credit or deficit, the appropriate standard attendance time and any private interruptions are then subtracted from the difference value. The result is entered in the relevant column for the “+” or “-” daily balance.

9. Monthly Evaluation

At the end of each month, you should add up the time units in the “+” or “-” daily balance columns. The difference between “+” and “-” gives the time balance for the past month. The current overall balance is calculated from the overall balance of the previous month, the balance for the current month minus any paid overtime. Alternatively, a running overall balance can also be calculated on a daily basis.

10. Signoff by Line Manager

Once the monthly calculations have been completed, the timesheet must be submitted to the line manager for countersignature. After this, the timesheet is returned to the employee. No copies may be made.

The countersignature is intended to document the shared responsibility of manager and employee for adherence to the working time regulations.

11. Reducing the Balance

Time off in lieu is the preferred method of reducing the balance. If the maximum balance has exceeded plus 80 hours, then financial compensation can be used to reduce the balance. The regulations of the works council agreement must be adhered to. An official form indicating the hours to be paid must be sent to the Human Resources Department. The appropriate official forms are available on the intranet.

In accordance with overtime regulations, this form must be signed by the immediate line manager and by the next higher line manager.

Examples of Full-time Working

Infineon Month/Year ***February 02***

Location: Mch BM

Time record sheet (time units or clock times)

Name, first name: ***Cartman, Eric***

Department: ***XY***

Day (Date)	Attendance time			Minus		Daily balance		Total balance
	Arrival	Departure	Difference	Private break	Standard attendance	+	-	+ / -
					Total balance from previous month ➔			e.g. +150
1	80	165	85		77	8		158
2	80	141	61		77		16	142
3	80	149	69		70		10	132
4	80	170	80		77		2	130
5	AL		90	15				130
6								
7								
8	DBT80	175	95		77	18		148
9	IL				70		70	78

Same example using clock times

Day (Date)	Attendance time			Minus		Daily balance		Total balance
	Arrival	Departure	Difference	Private break	Standard attendance	+	-	+ / -
					Total balance from previous month ➔			e.g. +15.00
1	8.00	16.30	8.30		7.42	0.48		+15.48
2	8.00	14.05	6.05		7.42		1.36	+14.12
3	8.00	14.00	6.00		7.42		1.00	+13.12
4	8.00	17.00	9.00	1.30	7.42		0.12	+13.00
5	AL							+13.00
6								
7								
8	DBT 8.00	17.30	9.30		7.42	1.48		+14.48
9	IL				7.00			+7.48

Example of Part-time Working

Day (Date)	Attendance time			Minus		Daily balance		Total balance
	Arrival	Departure	Difference	Private break	Standard attendance	+	-	+ / -
					Total balance from previous month ➔			e.g. -10
1	80	140	60			40	20	+ 10
2	80	141	61			47	14	+24

Examples of Full-time Working

35-hour week: 7.0 hours per day

1	Attendance time:	85 time units
	Daily balance:	85 - 77 = + 6
2	Attendance time:	61 time units
	Daily balance:	61 -77 = - 16
3	Attendance time:	60 time units (no break taken)
	Daily balance:	60 -70 = - 10
4	Attendance time:	90 time units (incl. 1.5 hrs private absence)
	Daily balance:	90 -15 - 77= - 2
5	Vacation/illness	Full-day absence (e.g. due to annual leave or sickness) does not affect the time balance. If an employee falls ill during the day, then normal working time should be entered for start or end of work
8	Business travel	Start and end of work should be entered. Daily balance calculated here as in the above examples.
9	Full day in lieu	A whole day off in lieu counts as standard working time (standard attendance time without breaks).

Exempt employees or non-exempt staff with extended weekly working hours enter the time for the daily standard attendance time as shown in the Appendix (for 40-hour contracts, enter 87 time units).

Examples of Part-time Working

20 hours, spread equally over the week to give 4 hours per day

1	Attendance time:	60 time units
	Daily balance:	60- 40 = + 20
2	Attendance time:	61 time units (> 6 hrs. i.e. break of 42 mins required.)
	Daily balance:	61- 47 = + 14

In the case of uneven working time distribution, the official standard attendance should be used for the weekday in each case.

Flexitime at Mch BM (Satus 3/99)

Required attendance time for various working times

Standard working time in hours		Standard attendance (incl. 42-min. break) in time units
weekly	daily	
40	8,0	87
39	7,8	85
38	7,6	83
37	7,4	81
36	7,2	79
35	7,0	77
30	6,0	60 (no break)
20	4,0	40 (no break)

Reason codes used for absence:

AL	Holiday
PSL	Paid special leave
USL	Unpaid special leave
PEL	Paid educational leave
UEL	Unpaid educational leave
ML	Maternity leave
SL	Sick leave
BL	Business leave
DBT	Domestic business travel
IBT	International business travel
IL	Full day taken in lieu

Time Frame

Bandwidth: 06.00 (Tu 60) - 19.59 (Tu 199)

Normal working hours (incl. 42 min. break):

08.00 (Tu 80) - 15.42 (Tu 157) for 35-hr. week
08.00 (Tu 80) - 16.42 (Tu 167) for 40-hr. week

For part-time workers, the individually agreed working hours apply.

Time Unit Conversion

Minutes	0 - 5	6 - 11	12 - 17	18 - 23	24 - 29	30 - 35	36 - 41	42 - 47	48 - 53	54 - 59
Time units	0	1	2	3	4	5	6	7	8	9

Hours	06.00	06.06	06.12	06.18	06.24	06.30	06.36	06.42	06.48	06.54
Time units	60	61	62	63	64	65	66	67	68	69
	07.00	07.06	07.12	07.18	07.24	07.30	07.36	07.42	07.48	07.54
	70	71	72	73	74	75	76	77	78	79
	08.00	08.06	08.12	08.18	08.24	08.30	08.36	08.42	08.48	08.54
	80	81	82	83	84	85	86	87	88	89
	09.00	09.06	09.12	09.18	09.24	09.30	09.36	09.42	09.48	09.54
	90	91	92	93	94	95	96	97	98	99
	10.00	10.06	10.12	10.18	10.24	10.30	10.36	10.42	10.48	10.54
	100	101	102	103	104	105	106	107	108	109
	11.00	11.06	11.12	11.18	11.24	11.30	11.36	11.42	11.48	11.54
	110	111	112	113	114	115	116	117	118	119
	12.00	12.06	12.12	12.18	12.24	12.30	12.36	12.42	12.48	12.54
	120	121	122	123	124	125	126	127	128	129
	13.00	13.06	13.12	13.18	13.24	13.30	13.36	13.42	13.48	13.54
	130	131	132	133	134	135	136	137	138	139
	14.00	14.06	14.12	14.18	14.24	14.30	14.36	14.42	14.48	14.54
	140	141	142	143	144	145	146	147	148	149
	15.00	15.06	15.12	15.18	15.24	15.30	15.36	15.42	15.48	15.54
	150	151	152	153	154	155	156	157	158	159
	16.00	16.06	16.12	16.18	16.24	16.30	16.36	16.42	16.48	16.54
	160	161	162	163	164	165	166	167	168	169
	17.00	17.06	17.12	17.18	17.24	17.30	17.36	17.42	17.48	17.54
	170	171	172	173	174	175	176	177	178	179
	18.00	18.06	18.12	18.18	18.24	18.30	18.36	18.42	18.48	18.54
	180	181	182	183	184	185	186	187	188	189
	19.00	19.06	19.12	19.18	19.24	19.30	19.36	19.42	19.48	19.54
	190	191	192	193	194	195	196	197	198	199