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MEMORANDUM OF UNDERSTANDING BETWEEN
THE FOOD AND DRUG ADMINISTRATION AND THE NATIONAL TREASURY
EMPLOYEES UNION

This memorandum of understanding (MOU) was negotiated pursuant to Article 25 of the Collective Bargaining Agreement (CBA) between the Food and Drug Administration (FDA) and the National Treasury Employees Union (NTEU). The MOU pertains to alternative work schedules within the Office of Shared Services (OSS), except that it does not apply to the Employee Resource and Information Center.

The FDA asserts that it was not obligated to negotiate concerning core hours because it believes that subject is covered by the CBA. However, to achieve an amicable resolution to the negotiations, it nevertheless agrees to be bound by the terms of this agreement concerning core hours. NTEU asserts that the subject of core hours is a mandatory subject of bargaining under the CBA.

Alternative work schedules within OSS will be administered pursuant to Article 25 of the CBA and the attached OSS Directive. Specifically and as set forth in the Directive:

The core hours for OSS employees are 10:00 a.m. to 3:00 p.m., Monday through Thursday.

The flexible bands applicable to OSS flexible work schedules (*Any 8, Any 40, or Any 80*) are:

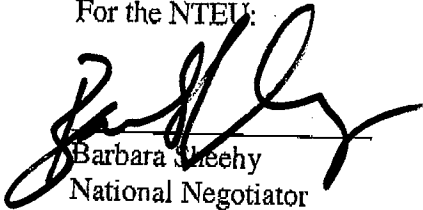
- 1) for the purpose of satisfying the basic work requirement - 12:00 a.m. to 11:59 p.m., Monday through Friday, and
- 2) for the purpose of working credit hours only - 12:00 a.m. to 11:59 p.m., Saturday through Sunday

Employees shall not work more than 10 hours on any one day without advance approval from management.

This MOU shall be effective when executed by the parties. It shall remain in effect for six (6) months from the date of execution. After six (6) months, either party may reopen the MOU at any time. If the MOU is reopened, its terms shall remain in effect until changed through the collective bargaining process. As an exception to the foregoing, should a new FDA/NTEU CBA that is inconsistent with the terms of the MOU become effective prior to the expiration of this MOU, the parties shall

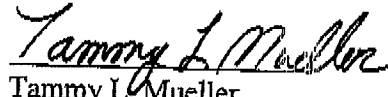
promptly meet and negotiate to the extent necessary to bring the MOU into conformance with the new CBA.

For the NTEU:

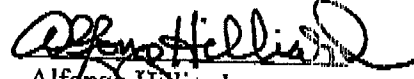


Barbara Sheehy
National Negotiator
National Treasury Employees Union

For the FDA:



Tammy L. Mueller
Senior Management Officer
Office of Shared Services



Alfonzo H. Niard
Senior Labor Relations Advisor
DHHS, Rockville HR Center

Executed:

August 25, 2005

**FOOD AND DRUG ADMINISTRATION
OFFICE OF THE COMMISSIONER
OFFICE OF MANAGEMENT
OFFICE OF SHARED SERVICES**

GENERAL MANAGEMENT AND ADMINISTRATION

ALTERNATIVE WORK SCHEDULES

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Attachment A – Request for Alternative Work Schedule

1. PURPOSE

This Directive establishes policies and procedures for administering the Alternative Work Schedule (AWS) program in the Office of Shared Services.

2. BACKGROUND

- a. The Alternative Work Schedule program creates a work environment that emphasizes family-friendly work arrangements that support the FDA's Quality of Work Life strategic plan. This plan provides programs and activities that allow employees to maintain their high professional performance while balancing their home and family lives.

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- b. The Alternative Work Schedule program provides individuals with the flexibility to schedule their work time to accommodate their needs. However, the AWS must not compromise the effectiveness of the Office of Shared Services in supporting the mission needs of its customers. This AWS plan represents an effort to balance these two objectives.
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3. REFERENCES

- a. U.S.C., Title 5, part III, subpart E, chapter 61, Flexible and Compressed Work Schedules
- b. FDA Alternative Work Schedule Master Plan, May 7, 1997
- c. FDA Quality of Worklife Strategic Plan
- d. Collective Bargaining Agreement between FDA and the NTEU, October, 1, 1999, Articles 20, 22, and 25
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4. DEFINITIONS

- a. **Basic Work Requirement.** The number of hours, excluding overtime hours, an employee is required to work or otherwise account for by leave, credit hours, holiday hours, excused absence, compensatory time, leave without pay (LWOP), or time off received as an award. The basic work requirement for full time employees is eighty (80) hours. The work requirement for part-time employees is the number of hours the employee must be present in a biweekly pay period.
- b. **Compressed Work Schedule.** Fixed schedules that allow employees to complete the basic work requirement in fewer than ten (10) days in a pay period. With prior supervisory approval, employees on occasion may vary their scheduled arrival and departure times. FDA's fixed schedules include the 5-4/9 and the 4-10 schedules. Compressed schedules must be within the hours of 6:00 a.m. and 6:00 p.m.
- 1) **5-4/9 Schedule.** A compressed schedule in which an employee fulfills the basic work requirement of eighty (80) hours in a bi-weekly period over a span of nine (9) workdays – five (5) days one week, four (4) days the other week, while respecting the core hours. Starting and ending times may be different on different days, however a fixed schedule must be established which precludes employees from “flexing” around these starting and ending times.
- 2) **4/10 Schedule.** A compressed, fixed schedule that permits employees to work ten hours a day for only four (4) days a week or eight (8) days a pay period.

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- c. **Core Time or Core Hours.** The time during the workday, workweek, or pay period in which all employees covered by a flexible or compressed schedule must be present for work or on approved absence. An employee must respect any established core hours when requesting a flexible schedule. Core hours for each location will be established in accordance with the FDA AWS Master Plan in effect on June 1, 1999.
 - d. **Credit Hours.** Any hours within a flexible work schedule which are in excess of an employee's basic work requirement, and which the employee works with supervisory approval, so as to vary the length of a workweek or a workday.
 - e. **Flexible Time or Flexible Bands.** The hours during the workday, workweek or pay period which employees covered by a flexible work schedule may choose to vary times of arrival to and departure from the worksite consistent with the duties and requirement of the position, and organization policy.
 - f. **Flexible Work Schedule.** A schedule that allows employees to vary, within limits set by the local program, their time of arrival and departure, the days during the pay period they will work, or both. The flexible work schedule is the Maxiflex schedule. FDA's flexible work schedules include the Any 8, Any 40, and the Any 80 schedules.
 - 1) **Any 8 Schedule.** A schedule that requires employees to work eight (8) hours daily. These hours may be varied on a daily basis.
 - 2) **Any 40 Schedule.** A schedule that allows employees to work forty (40) hours each week of the pay period. These hours may be varied on a daily basis.
 - 3) **Any 80 Schedule.** A schedule that permits employees, with supervisory approval, to complete their tour of duty any time within the basic work requirement.

5. ELIGIBILITY

- a. Full-time and part-time employees are eligible to participate in alternative work schedules.
- b. Commissioned Corps Officers are not eligible to work a compressed work schedule or a flexible schedule under Title 5. The work hours of a commissioned officer are established by the supervisor and may be any number of hours in any pattern.
- c. Senior Executive Service (SES) employees may participate in the Flexible Work Schedule – Maxiflex Plan; however, SES employees cannot earn credit time and may not participate in a compressed work schedule unless the entire work unit closes on the same workday(s) each pay period.

6. POLICY

The Alternative Work Schedule program encompasses two work schedule variations – the Flexible Work Schedule and the Compressed Work Schedule. Employees who wish to work an alternative work schedule will need to submit a Request for Alternative Work Schedule (attachment A).

This Alternative Work Schedule directive does not apply to employees of the Employee Resource and Information Center in order to allow for mission critical support to nationwide FDA field components located outside of the Eastern Time zone.

ALTERNATIVE WORK SCHEDULE – OPTION 1:

FLEXIBLE WORK SCHEDULE — MAXIFLEX PLAN

The Flexible Work Schedule - Maxiflex Plan provides employees and managers latitude in the scheduling of work. Under the OSS AWS Flexible Work Schedule – Maxiflex Plan, employees must meet their basic work requirement and are required to work during the Office's established Core Hours or be on approved absence.

a. BASIC WORK REQUIREMENT

The basic work requirement of the Flexible Work Schedule - Maxiflex Plan is the number of hours, excluding overtime hours, an employee is required to work or otherwise account for by leave, credit hours, holiday hours, excused absence, compensatory time off, LWOP, or time off earned as an award.

1. Under the OSS AWS Flexible Work Schedule – Maxiflex Plan, a full-time employee must work 80 hours in a biweekly pay period.
2. Under the OSS AWS Flexible Work Schedule – Maxiflex Plan, a part-time employee must work the numbers of hours the employees work schedule indicates they must be present in a biweekly pay period.
3. The basic work requirement must be completed within the OSS Flexible Bands.

b. TOUR OF DUTY

The tour of duty comprises all hours and days for which flexible and core hours have been designated.

1. OSS Tour of Duty: Monday 12:01 a.m. - Friday 11:59 p.m.
2. OSS Flexible Bands:

Monday, Tuesday, Wednesday, Thursday, Friday: 12:00 a.m. – 11:59 p.m.
Saturday, Sunday: 12:00 a.m. – 11:59 p.m. – for purposes of earning credit hours

- a) Overtime, compensatory time, or credit time may be earned during Saturday and/or Sunday with prior supervisory approval and may not count towards the basic work requirement.
 - b) OSS employees may work a maximum of ten (10) hours of work for any day. OSS employees may work beyond the maximum limit with supervisor approval.
 - c) OSS employees may request an exception to the OSS Flexible Bands by submitting a written request proposing alternative flexible bands and explaining the rationale for these proposed flexible bands thru his or her immediate supervisor to the Office Director. Office Directors will review and respond to the request in writing within thirty (30) days.
3. OSS Core Hours are Monday thru Thursday, 10:00 a.m. – 3:00 p.m.
 - a) OSS employees may request an exception to the OSS Core Hours by submitting a written request proposing alternative core hours and explaining the rationale for these proposed core hours thru his or her immediate supervisor to the Office Director. Office Directors will review and respond to the request in writing within thirty (30) days.

c. CREDIT HOURS

1. Employees on flexible work schedules will be permitted, with supervisory approval, to earn credit hours each day within established FDA flexible bands. The number of credit hours that may be earned daily will depend on the availability of work, the established flexible bands, and supervisory approval.
2. Employees may not “save” work that could otherwise be completed during the regular tour of duty in order to earn credit time. Employees may be required to report work accomplished while earning credit hours.

3. A request to work credit hours must be approved in advance; however approval may include blanket approval to earn and/or use credit hours up to a designated limit per day, week or pay period. Approval to earn or use credit hours may be granted orally.
4. Credit hours may be earned and used in increments of one-quarter hour. Credit hours may be earned by full-time employees within the morning and afternoon local flexible bands and schedules. Part-time employees may earn credit hours within the above time bands or at other time periods adjacent to their work schedule.
5. The use of earned credit hours is subject to the approval of the immediate supervisor. An employee's request to use earned credit hours will be approved unless the employee's absence would create a severe workload problem. Examples of severe workload problems are an inability to complete a specific or previously assigned work project that must be completed during the period of time in question, or when an employee's absence would result in no office coverage.
6. Credit hours can be used in lieu of or together with approved leave and/or compensatory time to take partial or full days off.
7. For full time employees, a maximum of twenty-four (24) credit hours can be carried forward from one pay period to the next. For part-time employees, the maximum is one-fourth (1/4) of the employee's scheduled biweekly basic work requirement. Any credit hours in excess of the amount allowed to be carried forward to the next pay period are forfeited at the end of the pay period.
8. Credit hours may be used in connection with the lunch period with supervisory approval.
9. When an employee is no longer eligible to earn credit time (for example conversion to SES), the employee may request payment for accumulated credit hours at his or her current rate of pay. Payment for accumulated credit hours is limited to 24 hours for a full-time employee. For a part-time employee, the limit is one-quarter (1/4) of the employee's biweekly basic work requirement. An employee may not be compensated for credit hours for any other reason (e.g., excess, unused credit hours that cannot be forwarded into the next pay period).
10. An employee may not be paid overtime pay, Sunday premium pay, or holiday premium pay for credit hours.
11. Senior Executive Service members and Commissioned Corps officers are not eligible to earn or use credit time.



d. OVERTIME

1. For employees under the Flexible Work Schedule - Maxiflex Plan, overtime hours are all hours of work officially ordered and approved by the Employer that is in excess of 8 hours in a day, or 40 hours in a week, or 80 hours in a pay period. Employees will be compensated for overtime in accordance with all applicable laws, rules, and regulations.
2. Senior Executive Service members and Commissioned Corps officers may not earn overtime.

e. COMPENSATORY TIME

1. An employee will be granted compensatory time in lieu of payment for overtime work if requested, for irregularly or occasionally scheduled overtime work in excess of eight (8) hours in a work day or in excess of forty (40) hours in a work week, or eighty (80) hours in a pay period, provided the employee has obtained the prior written or verbal approval from an authorized official.
2. Senior Executive Service members and Commissioned Corps officers may not earn compensatory time.

f. NIGHT PAY (General Schedule Employees)

1. If an employee's tour of duty includes 8 or more hours available for work during daytime hours (i.e., between 6:00 a.m. and 6:00 p.m.), he or she is not entitled to night pay even though he or she voluntarily elects to work during hours for which night pay is normally required (i.e., between 6:00 p.m. and 6:00 a.m.).
2. If management prescribes core hours after 6:00 p.m., employees would be entitled to night pay for those hours. In addition, night pay must be paid for those hours that must be worked between 6:00 p.m. and 6:00 a.m. to complete an 8-hour daily tour of duty.

g. NIGHT DIFFERENTIAL (Wage Grade Employees)

1. Night differential will not be paid solely because a prevailing rate employee elects to work credit hours or elects a time of arrival or departure at a time of day when night differential is otherwise authorized.
2. Prevailing rate employees are entitled to night differential for regularly scheduled non-overtime work when a majority of hours occur between 3:00 p.m. and 8:00 a.m.

h. HOLIDAY PAY (When No Work is Performed)

Consistent with 5 C.F.R., Parts 532, 550, and 610, holiday pay will be administered as follows:

1. A full-time employee under the Flexible Work Schedule - Maxiflex Plan who is relieved or prevented from working on a day designated as a holiday (or a day observed as a holiday) by Federal statute or Executive order is entitled to his or her rate of basic pay on that day for 8 hours.
2. If a holiday falls on a day during a part-time employee's tour of duty and the employee is relieved or prevented from working on that day, the employee is entitled to his or her rate of basic pay for the typical, average, or scheduled number of hours of work for that day toward his or her basic work requirement (not to exceed 8 hours).
3. If a holiday falls on a non-workday for a part-time employee, he or she is not entitled to pay for that day. For example, if a holiday falls on a Monday and the part-time employee never works on a Monday, he or she would not be entitled to pay for that day.

A work schedule submitted in advance of the administrative workweek may be used as a basis for determining the number of hours to pay a part-time employee on a holiday. However, supervisors or managers must ensure that there is not an abuse of entitlement to enhance pay or time off. For example, an employee should not be permitted to schedule more hours of work on a holiday than he or she has scheduled in prior weeks on days corresponding to the holiday.

i. "IN LIEU OF" HOLIDAYS WHEN HOLIDAYS FALL ON NON-WORKDAYS OF FULL-TIME EMPLOYEES (The Day on Which the Holiday Is Observed)

Consistent with 5 C.F.R., Parts 532, 550, and 610, "in lieu of" holidays will be determined as follows:

1. Non-workdays other than Sunday. If a holiday falls on a non-workday for an employee, except for holidays falling on a Sunday non-workday, the full-time employee's preceding workday will be the day on which the holiday is observed (the designated "in lieu of" holiday).
2. If the holiday falls on the Sunday non-workday for a full-time employee, the subsequent workday will be the day on which the holiday is observed (the designated "in lieu of" holiday).

3. Part-time employees are not entitled to an "in lieu of" holiday when a holiday falls on a non-workday for the employee. However, if the part-time employee is scheduled to work when the Agency is closed due to the observance of a holiday for full-time employees, the employee will be granted excused absence. The amount of excused absence to be granted will be based on the employee's typical, average, or scheduled number of work hours for that day, not to exceed 8.

For example, if a holiday falls on a Sunday, the observance of the holiday for most full-time employees will be Monday. Part-time employees who were scheduled to work, or typically work on Monday, will receive excused absence. Part-time employees who were not scheduled to work on Monday will not receive an "in lieu of" holiday.

j. PAY FOR HOLIDAY WORKED - HOLIDAY PREMIUM PAY

Consistent with 5 C.F.R., Parts 532, 550, and 610, and Article 22, Section 7 of the Collective Bargaining Agreement between FDA and the NTEU, October, 1, 1999, holiday premium pay will be administered as follows:

1. The Employer will seek to fill its needs through volunteers for services of employees on an established holiday through volunteers from the qualified group. When the Employer is unable to fill its need through these qualified volunteers, it will assign the work to qualified employees on a rotational basis, beginning with the employee with the shortest federal service comp date.
2. Those employees involuntarily assigned to work on a holiday may be excused, except when on travel status, when they can find qualified replacements approved by the supervisor. The Employer may consider cost-effectiveness in selecting or approving employees for working on holidays.
3. A full-time employee under the Flexible Work Schedule - Maxiflex Plan who performs non-overtime work on a holiday (or a day designated as the "in lieu of" holiday) is entitled to his or her rate of basic pay plus premium pay equal to his or her rate of basic pay for that holiday work. Holiday premium pay is limited to a maximum of the first 8 hours worked. Any hours worked in excess of the 8 hours will be paid at the overtime rate. Overtime must be ordered by the supervisor and approved in advance.
4. A part-time employee under the Flexible Work Schedule - Maxiflex Plan is entitled to holiday premium pay only for work performed during hours the employee typically would have worked on the holiday (not to exceed 8 hours).

k. SUNDAY WORK

1. Hours an employee elects to work on a Sunday may not be counted towards his or her basic work requirement. Within OSS, the basic work requirement must be completed between Monday and Friday. If an employee elects to work on a Sunday, with supervisory approval, those hours will be recorded as credit hours. The Agency will not pay Sunday pay for those hours an employee elects to work on Sunday.
2. Employees who are officially ordered and approved in advance to work on Sunday may receive premium pay for all hours worked in excess of 40.

1. EXCUSED ABSENCE

1. Excused absence (also referred to as *administrative leave*) may be granted to employees covered by the Flexible Work Schedule – Maxiflex Plan under the same circumstances excused absence would be granted to employees covered by other work schedules.
2. On a day when the office is closed due to hazardous weather conditions, failure of building services, or other unforeseen circumstances, only those employees who would otherwise be required to work on the day of the closure will receive excused absence. Employees who do not have a scheduled workday during the office closure (i.e., part-time employees) are in a nonpay status and may not be granted another non-workday. However, employees in a paid leave status during the workday the office is closed will receive excused absence.
3. If the office is closed for only a portion of the day, management can grant the difference of 8 hours and the number of hours worked as excused absence. For example, if an employee worked 2 hours and the Government closes, management may grant the employee 6 hours of excused absence.
4. Supervisors may grant excused absence to part-time employees based on the average, typical, or scheduled number of hours worked for that day.
5. For voting purposes, employees working under the OSS flexible bands in the Flexible Work Schedule - Maxiflex Plan will rarely need excused absence due to the fact that polling places are open for extended periods of time. However, for employees working under a maxiflex schedule where management restricts the flexible bands such that the polls are not open at least 3 hours before or after an employee's regular work hours, the supervisor may grant a limited amount of excused absence. Excused absence may be granted in the amount that will permit the employee to report to work 3 hours after the polls open or leave from work 3 hours before the polls close, whichever requires the lesser amount of time off.

ALTERNATIVE WORK SCHEDULE – OPTION 2:

COMPRESSED WORK SCHEDULES (CWS) PLAN

Compressed Work Schedules are fixed work schedules that allow employees to complete their basic work requirement in fewer than ten (10) workdays in a pay period. With prior supervisory approval, employees on occasion may vary their scheduled arrival and departure times. FDA's fixed schedules include the 5-4/9 and the 4-10 schedules. Compressed schedules must be within the hours of 6:00 a.m. and 6:00 p.m.

To work a Compressed Work Schedule and/or work alternative core hours, the employee must submit a written request for the proposed work schedule and/or alternative core hours thru his or her immediate supervisor to the Office Director. Requests for alternative core hours must include an explanation of the rationale for the proposed hours. Office Directors will review and respond to the request in writing within thirty (30) days.

a. BASIC WORK REQUIREMENT

1. The basic work requirement of a Compressed Work Schedule is the number of hours, excluding overtime hours, an employee is required to work or to account for by charging leave or otherwise.
 - a) A full-time employee is required to work 80-hours in a biweekly pay period. This work must be scheduled for fewer than 10 days in a biweekly pay period.
 - b) A part-time employee must work 32 - 64 hours in a biweekly pay period (temporary part-time employees may work up to 79 hours in a biweekly pay period in accordance with Title 5, United States Code 3401(2) and CFR 340.202(a)). This work must be scheduled for fewer than 10 workdays in a biweekly pay period.
2. Compressed Work Schedules have predetermined starting and ending times for each workday in the pay period and the same day(s) off each pay period. With prior supervisory approval, employees on occasion may vary their scheduled arrival and departure times.

b. TOUR OF DUTY

1. The tour of duty for employees under a Compressed Work Schedule Plan is defined as the number of hours established by the supervisor and employee that the employee is scheduled to work each day, which may be more than 8.

2. An employee's work requirement under a Compressed Work Schedule must be scheduled for fewer than 10 days in a biweekly pay period as established by the supervisor and employee.

c. FLEXIBLE BANDS

1. The broadest flexible bands that can be permitted under a Compressed Work Schedule are:

Monday through Friday: 6:00 a.m. to 6:00 p.m.

Saturday and Sunday: None

d. CREDIT HOURS

1. There is no legal authority to earn and use credit hours under a Compressed (fixed) Work Schedule. The law provides for credit hours only for flexible work schedules (5 U.S.C. 6121(4)).

e. OVERTIME

1. For full-time employees under a Compressed Work Schedule Plan, overtime hours are all hours of work officially ordered or directed by the Employer that is in excess of the number of hours worked daily on the compressed schedule.
2. For a part-time employee, overtime hours are hours worked in excess of the Compressed Work Schedule for a day (and more than 8 hours) or for a week (and more than 40 hours).
3. Employees will be compensated for overtime in accordance with all applicable laws, rules, and regulations.
4. Members of the Senior Executive Service, or Commissioned Corps officers may not earn overtime.

f. COMPENSATORY TIME

1. Employees on a Compressed Work Schedule may request substitution of compensatory time for overtime for irregularly or occasionally scheduled overtime work outside of the compressed work schedule, provided the employee has obtained the prior written or verbal approval from an authorized official.
2. Senior Executive Service members and Commissioned Corps officers may not earn compensatory time.

g. NIGHT PAY (General Schedule Employees)

1. Under a Compressed Work Schedule employees must be paid night pay for any regularly scheduled work performed between the hours of 6:00 p.m. and 6:00 a.m.

h. NIGHT DIFFERENTIAL (Wage Grade Employees)

1. Under a Compressed Work Schedule, employees who work the majority of their regular tour of duty between the hours of 3:00 p.m. and 8:00 a.m., must be paid night differential.

i. HOLIDAY PAY (When No Work is Performed)

1. Under Compressed Work Schedules, an employee is entitled to pay for the same number of hours regularly scheduled had a holiday not fallen on that day.
2. A full-time employee on a Compressed Work Schedule who is relieved or prevented from working on a holiday by Federal statute or Executive Order is entitled to his or her rate of basic pay for the number of hours of the compressed work schedule on that day (may be more than 8).

j. "IN LIEU OF" HOLIDAYS WHEN HOLIDAYS FALL ON NON-WORKDAYS OF FULL-TIME EMPLOYEES (The Day on Which the Holiday Is Observed)

1. Non-workdays other than Sunday. If a holiday falls on a non-workday of an employee on a Compressed Work Schedule, except for holidays falling on a Sunday, the employee's preceding workday will be designated as the "in lieu of" holiday. For example, if an employee's regularly scheduled non-workday is Friday and the actual holiday falls on Friday, his or her "in lieu of" holiday will be Thursday.
2. If the holiday falls on a Sunday, which is an employee's non-workday, the employee's "in lieu of" holiday will be the subsequent workday. For example, if a holiday falls on Sunday, which is an employee's non-workday, Monday will be his or her "in lieu of" holiday. If Monday is the employee's regular day off, then Tuesday would become the "in lieu of" holiday.
3. Part-time employees are not entitled to an "in lieu of" holiday when a holiday falls on a non-workday for the employee. However, if the part-time employee is scheduled to work when the Agency is closed due to the observance of a holiday for full-time employees, the part-time employee will be granted excused absence based on the number of hours the employee was scheduled to work that day.

k. PAY FOR HOLIDAY WORK – HOLIDAY PREMIUM PAY

1. A full-time employee on a Compressed Work Schedule who performs non-overtime work on a holiday (or a day designated as the “in lieu of” holiday) is entitled to basic pay, plus premium pay equal to his or her rate of basic pay for the work that is not in excess of the employee's Compressed Work Schedule for that day.
2. A part-time employee on a Compressed Work Schedule is entitled to holiday premium pay only for work performed during his or her daily tour on a holiday.

l. SUNDAY WORK

1. A full-time employee on a Compressed Work Schedule who performs non-overtime work during a tour of duty, a part of which is performed on a Sunday, is entitled to Sunday premium pay for his or her entire tour of duty on that day.
2. A part-time employee is not entitled to premium pay for Sunday work.

m. EXCUSED ABSENCE

1. Excused absence (also referred to as *administrative leave*) may be granted to employees covered by a Compressed Work Schedule under the same circumstances that excused absence would be granted to employees covered by other work schedules. The amount of excused absence to be granted should be based on the employee's established basic work requirement for that day.
2. On a day when the office is closed due to hazardous weather conditions, failure of building services, or other unforeseen circumstances, only those employees who would otherwise be required to work on the day of the closure will receive excused absence. Employees who do not have a scheduled workday during the office closure (i.e., a non-workday under the compressed 5-4/9 schedule) are in a nonpay status and may not be granted another non-workday. However, employees in a paid leave status during the workday the office is closed will receive excused absence.
3. If the office is closed for only a portion of the day, management can grant the excused absence up to the scheduled number of hours an employee under a compressed schedule works on that day. For example, if an employee worked 2 hours of a scheduled 10-hour day, and the office closes, management can grant the employee 8 hours of excused absence.
4. At no time should management grant excused absence if it would cause an employee to exceed his or her basic work requirement. For example, if an employee has worked 74 hours by the second Thursday of the pay period and the Government closes on Friday, management should only grant the employee 6 hours of excused absence.

5. Supervisors may grant excused absence to part-time employees based on the average, typical, or scheduled number of hours worked for that day.
6. For voting purposes, employees working a Compressed Work Schedule, excused absence may be granted in the amount that will permit the employee to report to work 3 hours after the polls open or leave from work 3 hours before the polls close, whichever requires the lesser amount of time off.
7. If the Government closes a full workday that is the regular day off for an employee under the Compressed Work Schedule Plan, the employee may not substitute another day in lieu of his or her official day off. Since the employee is not in a pay status on the day the Agency closed because of weather or other emergency situations, the employee has no entitlement to an additional day off. If the employee is in a paid leave status (e.g., annual or sick leave, credit time) on the day the Government closes, the employee will receive excused leave for that day and will not be charged paid leave.

n. TRAVEL AND TRAINING

1. Travel and training may have an impact on employees who are on a Compressed Work Schedule. The impact will depend on the length of time involved. If the travel or training will impact the schedule, the supervisor may require the employee to revert to an 8:00 a.m. to 4:30 p.m. schedule for the duration of the travel or training.

7. RESPONSIBILITIES

Employees

- a. Submit a written request to thru the immediate supervisor to the Office Director to participate in or change a Flexible Work Schedule or a Compressed Work Schedule. The request must be submitted and approved in advance prior to starting the new schedule.
- b. Submit a written request thru the immediate supervisor to the Office Director requesting an exception to the OSS Core Hours and/or Flexible Bands, proposing alternative Core Hours and/or Flexible Bands, and explaining the rationale for these hours.

Immediate Supervisors

- a. Determine on a continuing basis when the work requirement of certain mission critical job situations precludes employees in those job situations from participating in Flexible Work Schedules and/or Compressed Work Schedules. Document recommendation in a memorandum to be attached to the AWS request and send to the Approving Official.



- b. Consider each employee's preference and determine the appropriate schedule for each employee based on the needs of the office, workload requirements, and the requests of other employees.
- c. Determine whether travel or training will have an impact on employees who are on a Compressed Work Schedule.
- d. Review and sign the Request for Alternative Work Schedule recommending approval or disapproval, and forward to the Approving Official.

Office Directors

- a. Determine the needs of employees and to what extent AWS should be implemented.
- b. Develop an AWS supplemental plan within the OSS parameters or adopt the OSS plan and distribute copies to all employees in the Office.
- c. Review the Office's AWS supplemental plan at least annually and determine whether to continue, modify, or terminate it. Any changes should be submitted to the Chief, Office of Shared Services, or his/her designee for clearance.
- d. Review and approve or disapprove all AWS requests and/or modifications for the Office with thirty (30) days taking into account workload requirements and Office functions, as well as impact on the schedules of other employees. Approval of employee requests to work a compressed schedule are to be based on the following factors:
 - 1) Adequate office coverage must be available on the requested day(s) off, and can be managed effectively for the pay period. The employee's specific functions can be covered on the requested day off; and
 - 2) Employee's position does not normally require travel or other work requirements that preclude a regularly scheduled day off every pay period.
- e. Review and approve or disapprove all requests for an exception to the OSS Flexible Bands and/or OSS Core Hours within thirty (30) days.

Chief, Office of Shared Services, or his/her designee

- a. Review this Directive at least annually and determine whether to continue, modify, or terminate it.
- b. Review subordinate Offices' supplemental plans for adherence to OSS policies.
- c. Maintain a record of all Office supplemental plans.

8. EFFECTIVE DATE

This directive is effective upon date of publication.

