

# ARTICLE 42

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## TRAVEL

### SECTION 1

- A. This Article is intended to be read in conjunction with the FTR and the HHS Travel Manual. If there is a conflict between the HHS Travel Manual and this Article, this Article governs.
- B. Employees normally travel during their normal duty hours. To this end the Employer and employees will strive to schedule travel during the normal duty hours of traveling employees. Where consistent with official business needs, employees may travel on their own time if they so choose. Employees will incur any additional costs resulting from travel deviations for personal reasons.
- C. 1 (a) In accordance with statute and government-wide rule and regulation, time spent in a travel status away from the official duty station of an employee is not hours of work unless:
- (i) the time spent is within the days and hours of the regularly scheduled administrative work- week of the employee, including regularly scheduled overtime hours; or
- 2 (b) the travel:
- (i) involves the performance of work while traveling,
  - (ii) is incident to travel that involves the performance of work while traveling,
  - (iii) is carried out under arduous conditions,
  - (iv) results from an event which could not be scheduled or controlled administratively, including travel by an employee to such an event and the return of such employee from such event to her or his official duty station (5 U S C, 5542).
- D. If, as determined by the Employer, circumstances require an employee's attendance on any day, at a time too early to permit travel on that day during the duty hours of the employee as approved by their supervisor, the employee may travel during normal duty hours on the

preceding day. If the preceding day is a non-workday, an employee may request to travel during the normal duty hours on the first workday preceding the day in question. The request will be granted, unless it presents a substantial operational problem or approval of the request would be fiscally irresponsible due to any increase in costs to the Government. If the employee elects the above, then subsistence reimbursement will be limited to what the employee would be entitled to had the employee traveled on the non-workday preceding the day in question.

- E. The Employer may require an employee to alter his/her normal duty hours on the preceding workday in order to take advantage of common carrier departures, which would otherwise require travel outside the employee's normal duty hours at the end of the day.
- F. If the Employer determines that travel on a non-workday is the most effective and efficient means for accomplishing the mission of the Agency and the scheduling of the meeting that the employee has to attend is outside the control of the Agency, then the employee may be required to travel on a non-workday. In such cases, the employee is entitled to compensatory time off for travel, consistent with Article 22 of this Agreement. If the meeting is within the control of the Employer, and it is administratively feasible, the HHS has determined that it will reschedule the meeting to avoid required travel on non-workdays.
- G. The Employer will make a reasonable effort not to schedule an Employer-initiated event to begin at a time that would require travel outside of normal duty hours.
- H. Employees at a Temporary Duty Station (TDS) who are prevented from returning during the normal duty hours may return that evening or the following day during normal duty hours.
- I. The Employer will make a reasonable effort not to direct an employee to remain overnight at a TDS and travel the next day, if it is not a workday, unless the stay overnight is required by an event which cannot be scheduled or controlled administratively.

## **SECTION 2**

The Employer participates in the contractor-issued charge card program established and administered on a government-wide basis by GSA. The parties bargained over the implementation of this program and agree to incorporate the MOU into this Agreement and have it apply to all employees. Employees identified by the Employer to participate in this

program for official business travel must submit an application for the charge card to the contractor, subject to a credit check and, when approved for participation, must adhere to all rules and procedures of the program, consistent with the agreement.

### **SECTION 3**

- A. The Employer agrees to reimburse employees for authorized and approved per diem and transportation expenses incurred by them in official travel status. Employees traveling on official business are expected to exercise the same care in incurring expenses as would a prudent person when traveling on personal business. Allowances for those expenses will be paid in accordance with applicable Federal Travel Regulations (FTR) and this Article. Employees are responsible for all excess costs and additional expenses not subject to reimbursement.
- B. The Employer will reimburse the employee for all reasonable personal services related to the official travel and tips given while in a travel status, not to exceed fifteen (15) percent of the service price charged or \$2 where service is free. Consistent with the FTR, the Employer will require receipts for authorized expenses in excess of \$75, excluding lodging. Employees must also provide a reason, acceptable to the Employer, for failure to furnish a required receipt.
- C. To the extent possible, employees will receive advance authorization for excess baggage fees, excluding personal baggage. Employees may submit, however, for reimbursement for excess baggage fees after the travel is completed if advance authorization was not obtained.
- D. The Employer will reimburse employees for the reasonable use of a shuttle service or taxi to and from a carrier terminal.
- E. After travel arrangements have been consummated, the Employer will not reduce the per diem or lodging rate for employees on long-term travel assignments (i.e. in excess of 90 days).
- F. In the event employees need a temporary credit increase if they are traveling long-term or inter-nationally, the FDA will request a one-time increase for that trip from the travel card provider or provide the employee with a travel advance to cover the difference between the credit limit and estimated expenses.
- G. When employees incur a minimum of 4 consecutive nights lodging on official travel, the Employer will reimburse employees for authorized laundry, cleaning, and pressing

expenses equal to the number of travel days multiplied by \$10. Receipts are required if the employee's total claimed laundry expenses are in excess of \$75. Alternatively, employees may submit receipts for actual laundry expenses if they exceed the above amount. For CONUS travel, employees must be on travel for four or more nights. Employees on CONUS travel are not permitted to claim separate laundry expenses.

H. Consistent with Federal Travel Regulation Part 301-11, Subpart C, Reduced Per Diem the Employer may prescribe a reduced per diem rate lower than the prescribed maximum when:

1. The agency can determine in advance that lodging and/or meal costs will be lower than the per diem rate; and
2. The lowest authorized per diem rate is stated in the employee's travel authorization in advance of his/her travel.

I. Reasonable transportation costs to acquire food may be reimbursed when reduced per diem is in place due to availability of cooking facilities.

J. Employees may charge airfare for both domestic and foreign travel to government Corporate Travel Card.

K. Employees may elect to secure lodging that is more expensive, for personal convenience, but they must pay and are personally liable for (i.e. they will not be reimbursed) any and all excess costs over the authorized rate (including any excess taxes and fees. If such lodging is farther from the TDY location than other lodging available at the authorized rate, employee is personally responsible for any and all additional transportation costs incurred.

#### **SECTION 4**

Employees who are assigned to training or duty away from their regular duty station and who elect to return home during non-work days will be reimbursed for travel expenses not to exceed the amount reimbursable had employees remained at the temporary duty station. The employee will notify his or her supervisor if s/he returns to the regular duty station or home.

#### **SECTION 5**

When an employee in travel status becomes incapacitated by illness or injury and is expected to remain so for a significant period of time, the Employer will reimburse the employee for expenses incurred in returning to the employee's regular duty station. Allowances for expenses will be paid in accordance with applicable travel regulations.

## SECTION 6

A copy of the FTR will be made available for employees to review upon request. A copy of the FTR is available for employee review on the OPM home page and on the Internet at [www.gsa.gov/federaltravelregulation](http://www.gsa.gov/federaltravelregulation).

## SECTION 7

- A. When an automobile is to be used for travel, an employee may request authorization to use her/his POV in lieu of a government-owned, leased, or rented vehicle. Reimbursement will be made in accordance with government-wide regulations. If a POV is used solely for the employee's convenience or benefit, reimbursement for POV mileage may not exceed what the cost would have been to use the least expensive of a government-owned, leased, or rented vehicle. However, an employee may not be directed to furnish a POV for the convenience of the government.
- B. The use of a POV will be authorized when the Employer determines it to be advantageous to the government. Reimbursement will be in accordance with current policy and practice.
- C. Employees may provide estimates of mileage for travel authorizations, and actual odometer readings for voucher and payments for mileage.
- D. Common carrier will be used whenever it is reasonably available, unless:
  - 1. The use of common carrier would interfere with the performance of official business;
  - 2. Such use imposes an undue hardship on an employee;
  - 3. The total cost of travel by common carrier would be greater than the total cost of performing the same travel by the other method proposed;
  - 4. The Federal Travel Regulation provides for some other mode; or
  - 5. The employee requests and is authorized to use a POV.

If the employee elects not to travel by the method of transportation required by regulation, the employee is only entitled to be reimbursed for the lesser of her/his actual cost or constructive cost of the authorized method of travel.

- E. The use of a government-owned, leased, or rented vehicle is subject to applicable law, rule, and regulation.
- F. When two or more employees with different normal duty hours are traveling together by POV or government-owned, leased, or rented vehicle, the employees may, with prior

supervisory approval, reach agreement as to the common duty hours for the day of travel. Absent such agreement, the Employer will determine the duty hours for that day.

## **SECTION 8**

In accordance with the FTR and as soon as practical, the Employer will issue a notice of disallowance to the employee for any travel claim it disallows. Such notification shall be in writing (which includes email), shall clearly identify the basis for denial and shall advise the employee of applicable appeal rights.

## **SECTION 9**

- A. Travel vouchers must be submitted within five (5) workdays after completion of the trip or every thirty (30) days if the employee is in a continuous travel status. The Employer will make every effort to approve vouchers as timely as possible in order to assure employees have reimbursed funds available to pay their government credit card bill. If accurately and timely submitted, the Employer must process the claim within 30 calendar days after submission of a proper travel claim. The Employer will pay all late payment fees associated with untimely reimbursement of properly filed and submitted claims.
  
- B. All advances not using the travel charge card must be accounted for on the employee's travel voucher submitted at the conclusion of the trip. Employees are required to repay any excess travel advance funds, normally within thirty (30) calendar days after the completion of the trip.

## **SECTION 10**

The Employer will continue the existing FDA/NTEU travel gain sharing program. The parties will establish a labor-management committee to review the program and recommend the cost effective- ness of said program and expanding the program to the other OPDIVs. The parties may also decide by mutual agreement during the review process to terminate the program after 18 months of the effective date of this agreement should no substantial cost savings be realized.

## SECTION 11

Foreign travel is integral to FDA's work obligations and commitment to public health. The FDA Voluntary Foreign Travel MOU of October 13, 2003 and MOU of June 11, 2003 on Mandatory Foreign Inspection Assignments and its successor are hereby extinguished and replaced in their entirety by the following FDA process for employees assigned FDA foreign travel assignments:

1. Foreign inspections will be fairly and equitably assigned to units and among qualified employees.
2. The FDA/ORR Office of Operations (OO), Divisions of Foreign Travel will quarterly generate an updated list of all qualified travelers to participate on international inspections. This list will be the first consideration for identifying employees to conduct foreign inspections.
3. The FDA/ORR Office of Operations (OO), Divisions of Foreign Travel will announce a list of available assignments to all non-cadre qualified employees on a weekly basis, or as otherwise necessary to obtain volunteers and/or to further efficient operations of the foreign travel program. All GS-12 and higher CSOs are considered eligible unless otherwise stipulated by their supervisor. Where there are sufficient volunteers, foreign trip will be assigned using seniority based upon HHS Entry on Duty date (EOD) unless the needs of the Agency require otherwise. These may include assignment needs for particular experiences, knowledge, skills, or abilities, or assuring that the Agency meets its business need to grow its pool of travelers. Once an employee is chosen for (and performs) the inspection, the employee's name then goes to the bottom of the inverse seniority list.
4. If no employees volunteers apply or are selected for the non-cadre foreign inspections, FDA/ORR Office of Operations OO, Divisions of Foreign Travel will issue assignments directly to field units to identify qualified personnel for available foreign trips based on the unit work plan obligations and listed employee expertise in the various product areas. When assignments are not made from among those employees who volunteered, foreign trips will be assigned using inverse seniority based upon HHS Entry on Duty date (EOD) unless the needs of the Agency require otherwise. These may include assignment needs for particular experiences, knowledge, skills, or abilities, or assuring that the Agency meets its business need to grow its pool of travelers. Once an employee is chosen for (and performs) the inspection, the employee's name then goes to the bottom of the seniority list.

When the Agency makes an exception to regular or inverse seniority, it shall document the basis for the exception, which it will provide to the Union, on request.

5. Additionally, ORA/OO, Divisions of Foreign Travel will directly issue assignments to designated dedicated international inspectional groups and FDA staff stationed in foreign country per work obligations as necessary and concurrently with the volunteer process described above.
6. All assignments for work will be in accordance with Article 33 in the CBA. All qualified personnel may be expected to conduct a minimum of one (1) foreign inspection trip per year. Members of dedicated international inspectional groups are expected to focus all inspectional work performing foreign trips.
7. Contingent upon management approval, assigned employees may switch their scheduled foreign inspection assignment with an appropriately qualified counterpart within their unit.
8. If an employee assigned for a foreign inspection is unable to travel due to an emergency, unforeseen circumstance or medical condition, both the unit management and ORA/Office of Operations (OO), Divisions of Foreign Travel must be notified immediately. For employees with medical conditions, if accommodations cannot be made through exceptions to travel requirements, they may be considered 'medically not qualified' for either a short term or long term basis. Unit management may excuse an employee for foreign travel upon written notification of valid extenuating circumstances that would prevent them from performing the foreign inspection. Notifications should be made within five (5) workdays of receipt of assignment, and any management denial will be made in writing to employee within (5) workdays of the request. Management will evaluate employees on long term 'medically not qualified' every six (6) months to determine status for performing foreign inspections.
9. Employees will be assigned a trip coordinator for all travel assignments and additional contact information will be provided to handle any necessary travel or required inspection changes before or during travel due to emergencies or other circumstances.
10. Employees that are required to take numerous short legs of a trip once they have arrived in the country where the foreign inspection is to occur may advise the travel planner as to their preferred mode of transportation for those legs of the trip.
11. Employees must complete the FDA/ORI International Inspections on-line web course or other available training prior to performing their first foreign inspection.
12. The FDA policies and procedures support the health, personal safety, and security of all travelers. All employees on official business are covered by the Federal Employees



Workmen's Compensation Act for any work related injury or illness. To the extent permitted by law, FDA shall provide separate medical insurance or reimbursement for medical treatment while on foreign travel, if not otherwise covered by the employee's health insurance plan. FDA will continue to make every effort to assist in the transportation and providing medical assistance to foreign travelers when necessary.

13. Information regarding any travel warnings or alerts will be provided prior to travel. Travelers in countries with State Department warnings should check with their ORA/OO, Divisions of Foreign Travel trip coordinator regularly and will be provided a driver (where necessary) and/or company contact for employee(s) assigned to inspect the firm. Management will make reasonable efforts to ensure strict security practices are adopted for all employees in these types of countries.
14. The FDA will authorize business class travel in accordance with 41 CFR 301-10/124(i) of the Federal Travel Regulations, and other applicable laws and regulations then in effect.
15. In accordance with government rules and regulations, employees will be allowed to process ATM transactions on their vouchers in order for them to avoid carrying excessive amounts of traveler checks or cash at any one time. This authorization will be stated on all foreign travel orders.
16. Up to fifteen (15) hours of overtime or compensatory time per week will be authorized in advance for workdays in excess of eight hours for all trips involving transoceanic travel. For all other trips (e.g., Canada and Mexico) employees will be authorized up to ten (10) hours per week for workdays in excess of eight (8) hours. All overtime and compensatory time must be requested and approved in advance.
17. Cell phones, blackberries with cell phone capability, or calling cards will be available for at least one member of an inspection team.
18. The FDA will support and promote the foreign inspectional program as a viable mechanism for meeting the Agency's obligations through incentives such as:
  - a. Employees will be given a total of \$300 of incentive pay for each standard foreign trip and work products that meet IOM requirements. If during the course of the standard trip, assignments are cancelled that result in a reduction in inspection time due to circumstances out of the employee's control while they are in travel status, the employee will receive the \$300 award.

- b. Employees will be given the option to use a total of six (6) hours per trip to be used before the foreign inspection trip in order to prepare for the trip.
- c. Employees will be allowed to utilize an AWS and/or participate in the telework program for the first week upon return from the foreign inspection trip.

## **SECTION 12**

Employees must use coach class accommodations for travel by airline or train, unless specifically authorized and approved in accordance with Federal Travel Regulations, to use a higher class of service (“premium class,” which includes, e g , first class and business class), consistent with government-wide regulations and the HHS Travel Manual.

## **SECTION 13**

Leave in conjunction with travel must be approved in advance and reflected on the travel order (Emergency situations arising during travel, such as sudden illness, must be raised with an appropriate management official and any extended leave must be approved). An employee may be permitted to take up to two days of annual leave (not to exceed the number of TDY days) in conjunction with domestic trips that are paid for by the Employer. An employee may be permitted to use up to three days of annual leave in conjunction with an international trip paid for by the Employer three times per fiscal year.

## **SECTION 14**

- A. The Employer will ensure timely processing of travel authorizations.
- B. Employees may be required to report to work or take an appropriate type of leave for a portion of the departure and/or return travel day, depending on such factors as work schedule, time in travel status, available flight schedules, and workload.
- C. Charge cards issued by the contractor must only be used for government-authorized travel to pay for expenses reasonably incurred for official business purposes, including approved automated- teller machine (ATM) withdrawals for cash travel advances. Employees are subject to discipline for misuse of the travel charge card.
- D. The Employer may, at the request of the contractor consistent with the parties’ agreement, applicable statute and government-wide regulations, collect from an employee’s net pay

any undisputed delinquent amounts that are owed to the travel charge card contractor

- E. Employees are required to use the travel management system designated by the Employer for making their travel arrangements (common carrier, rental car and lodging). Nothing in this provision relieves the Employer of its obligation to provide notice to the Union regarding changes to the system and bargain over any resulting change in working conditions

## **SECTION 15**

- A. An employee traveling overnight within CONUS may be reimbursed for one brief telephone call per day to her/his residence in accordance with government-wide rules and regulations and the HHS Travel Manual Reimbursement for such telephone calls is:
  - i. limited to actual expenses, not to exceed \$5.00 times the number of consecutive nights of travel on official business;
  - ii. applicable only when the employee is authorized to be on travel for one or more consecutive nights; and
  - iii. conditioned upon the unavailability of government-provided long distance telephone systems and services (including government-issued telephone calling cards) during each day of travel on which expenses are incurred.
- G. An employee on OCONUS travel may be reimbursed only for telephone call(s) home from a foreign country which have been authorized prior to the beginning of travel and are shown on the travel order. Permitted frequency and cost must be stated on the travel order and adhered to by the employee.

## **SECTION 16**

Advances of travel funds are based upon estimated expenses which a traveler is expected to incur on authorized travel and which cannot be paid with a government travel charge card. Advances are normally issued in the form of authorized ATM cash withdrawals. The Employer will authorize an ATM cash advance equal to eighty (80) percent of the estimated MI&E cash expenses and lodging where the government travel charge is not expected to be accepted. Employees who qualify under a limited exception and are excused from applying for a government travel charge card may obtain a travel advance equal to eighty (80) percent of the estimated cash expenses for the travel.

## **SECTION 17**

Employees are required to use the travel system(s) designated by the Employer to secure travel orders and submit travel vouchers. Nothing in this provision relieves the Employer of its obligation to provide notice to the Union regarding changes to the system and bargain over any resulting change in conditions of employment.

## **SECTION 18**

A rest stop is a stopover of up to 24 hours taken at an intermediary point during travel or at the destination.

## **SECTION 19**

The local travel area is a forty-five (45) mile radius around the employee's post-of-duty.

## **SECTION 20**

Supervisors may approve employee requests to use a non-contract carrier if the fare is available to the general public, is less than the contract fare, and results in a lower total trip cost to the Government (the combined costs of transportation, lodging, meals, and related expenses considered).