

**Memorandum of Understanding
between
HHS/FDA/CDER/OC
and
The National Treasury Employees Union
Chapter 282**

This Memorandum of Understanding (MOU) is between the Food and Drug Administration, CDER, Office of Compliance and The National Treasury Employees Union, Chapter 282, to establish procedures for employees to work at an alternate work site (AS) during inclement weather.

CONDITIONS FOR APPROVAL

- 1) Employees in the Office of Compliance may be approved to work at an alternate work site when the following conditions exist:
 - a) The employee has an approved Flexible Work Place Arrangement Agreement (FWAP) pursuant to Article 26 of the FDA/NTEU Collective Bargaining Agreement (CBA). All of the stipulations in that agreement apply.
 - b) The Office of Personnel Management (OPM) has announced/authorized an unscheduled leave and/or delayed arrival policy for weather conditions.

PROCEDURES

- 1) The following procedures will be adopted for the approval of an **employee's request** to work at an alternate work site because of weather conditions on days when the employee is expected to report to the official duty station.
 - a) The employee will email his/her supervisor or supervisor's designee with a copy to the team leader and timekeeper to request to work at an AS.
 - i) The email will include the date requested to work at the AS and the work to be performed that day.
 - ii) If one hour passes without the employee receiving a response from his/her supervisor or supervisor's designee, the employee will advance the request via email to the next-level supervisor or designee for approval with a copy to the initial supervisor or designee, team leader, and timekeeper.
 - b) The next-level supervisor or supervisor's designee will approve or disapprove the request within one hour. If no response is received from any supervisor/designee within that hour, then the employee is considered approved to work at an AS, provided that in the employee's professional judgment he/she has sufficient work and resources to work a full day at the designated alternate work site. If at any time


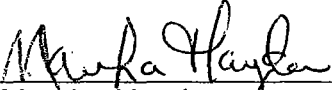
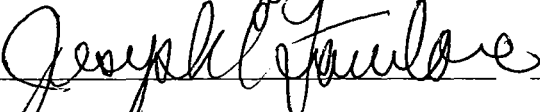
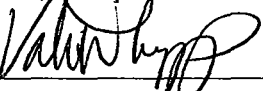
the request for FWAP is disapproved, then the supervisor or designee will email the employee of the disapproval and the reason. At that time, the employee will notify the supervisor or designee whether he or she will request leave or report to the official work site. Any portion of the day worked before supervisory disapproval will be treated as approved, provided that the work began after the start of the employee's regularly scheduled workday.

c) The supervisor or designee may request that the employee switch a regularly scheduled FWAP day(s) to fulfill operational needs following work at an AS due to inclement weather. The supervisor or designee will make reasonable efforts to avoid "switching" employees' regularly scheduled FWAP days.

d) If OPM declares a delayed arrival due to inclement weather (e.g., federal government 2-hour delay), employees wishing to work at an AS for that day will follow the procedures outlined above, and begin and end work at their regularly scheduled times.

- 2) Employees may submit FWAP requests solely for the purposes of working at an AS in cases of inclement weather, following the procedures described above.
- 3) Employees who are working at an AS on a regularly scheduled FWAP day on which the Office of Personnel Management (OPM) has announced/authorized an unscheduled leave and/or delayed arrival policy for weather conditions, do not need to request approval to work at the AS on that day.

This MOU will remain in effect until a successor CBA.

 Deborah M. Autor, Esq. Director, Office of Compliance CDER/Food and Drug Administration	12/15/06 Date	 Marsha Hayden Chief Steward NTEU, Chapter 282	1/16/07 Date
 Joseph Famulare Deputy Director, Office of Compliance CDER/Food and Drug Administration	12/6/06 Date	 Valerie Whipp Union Steward NTEU, Chapter 282	1/16/07 Date