

OFFICE OF MANAGEMENT

Alternative Work Schedule

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PURPOSE

- This MAPP describes the policies and procedures governing the Alternative Work Schedule (AWS) program in the Center for Drug Evaluation and Research (CDER). It supersedes all previous versions of CDER MAPP 4657.1.
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REFERENCES

- FDA's Alternative Work Schedule Master Plan, May 7, 1997
FDA Web site: <http://intranet.fda.gov/ohrms/pay/qwlrpp/aws/awsplan.htm>
 - CDER MAPP 4657.0, CDER's Time, Attendance, and Leave Recording Policy, CDER Web site:
<http://www.fda.gov/cder.mapp/4657-0.pdf>
 - CDER MAPP 4657.3, Overtime Policy, CDER Web site:
<http://www.fda.gov/cder/mapp/4657-3.pdf>
 - CDER MAPP 4657.6, Granting Excused Absence, CDER Web site:
<http://www.fda.gov/cder/mapp/4657-6.pdf>
 - CDER MAPP 4657.7, Leave and Absence for Hazardous Weather and Other Emergency and Administrative Situations, CDER Web site: <http://www.fda.gov/cder/mapp/4657-7.pdf>
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- CDER MAPP 4657.10, Hazardous Weather Policy for Employees With Disabilities, CDER Web site: <http://www.fda.gov/cder/mapp/4657-10.pdf>
 - Guide for Timekeeping, Chapter 4, Paid Leave and Holidays, FDA Web site: <http://intranet.fda.gov/ofm/payroll/manual/contents.htm>
 - 5 U.S.C., part III, subpart E, Chapter 61, Flexible and Compressed Work Schedules, Web site: <http://www4.law.cornell.edu/uscode/5/pIIIspEch61schII.html>
 - Collective Bargaining Agreement Between FDA and the NTEU, October 1, 1999, Articles 20, 22, and 25
 - Memo of Understanding between NTEU Chapter 282 and FDA CDER, dated December 22, 1999
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BACKGROUND

The Alternative Work Schedule Program has been established to support FDA's strategic plan for continuous improvement in the quality of work life for all employees.

Alternative work schedules allow employees to work several types of schedules other than the traditional 8 hours per day, 40 hours per week schedule. There are two categories of alternative work schedules: flexible work schedules (FWS) and compressed work schedules (CWS). This MAPP outlines the broadest parameters within which the organizations may develop scheduling plans that best fit that particular organization and the needs of employees.

ELIGIBILITY

Full-time and part-time employees are eligible to participate in alternative work schedules.

Commissioned Corps Officers are not eligible to work a maxiflex 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.

Senior Executive Service (SES) employees may participate in the maxiflex work schedule; however, they cannot earn credit time. SES employees may not participate in a CWS unless the entire work unit closes on the same workday(s) each pay period.

In all cases, the alternative work schedule options available to eligible employees will depend on coordinating employee schedules so that adequate office coverage is maintained and work operations are not hampered. CDER's business hours are 8:00 a.m. to 4:30 p.m., Monday through Friday. Therefore, all offices must have adequate coverage during these hours.

DEFINITIONS

- **Compressed Work Schedule:** For a full-time employee, an 80-hour biweekly basic work requirement that is scheduled within fewer than 10 days. For a part-time employee, a biweekly basic work requirement that is scheduled within fewer than 10 workdays and may require an employee to work more than 8 hours per day. A compressed work schedule is a fixed schedule.
- **Core Hours:** The time during the workday, workweek, or pay period within the tour of duty during which an employee must be present at work or on approved leave. See Tour of Duty under Flexible Work Schedule for CDER Core Hours.
- **Credit Hours:** The hours within a flexible work schedule that an employee elects to work, with supervisor approval, in excess of his or her basic work requirement to vary the length of a workday or workweek.
- **Flexible Bands:** (Also referred to as flexible hours) The times during the workday, workweek, or pay period within the tour of duty during which an employee covered by a flexible work schedule may choose to vary times of arrival to and departure from the worksite consistent with the duties and requirements of the position and Center/Office policy.
- **Flexible Work Schedules (FWS):** A schedule that allows employees to choose (within limits set by the Center/Office plan) their time of arrival and departure each day, the days during the pay period they will work, or both. CDER's flexible work schedule is the maxiflex schedule.
- **Maxiflex Work Schedule (MWS):** A type of flexible work schedule that contains core hours of less than 10 days in the biweekly pay period, and during which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period. Although this policy is stated in the Agency Master Plan, the agreement between CDER and NTEU, which stipulates core hours of 10 days in the biweekly pay period for CDER employees, is an accepted policy. Therefore, employees may vary the number of hours worked on a given workday or the number of hours each week within limits set by the Center/Office plan.
- **Overtime Hours:** Under a flexible work schedule, all hours in excess of 8 hours in a day or 40 hours in a week that are **officially ordered and approved in advance by management**. This does not include credit hours. Under a compressed work schedule, overtime hours for full-time employees include all hours of work that are officially ordered and approved in advance in excess of the established compressed work schedule. For part-time employees, overtime hours are hours the employee works in excess of the compressed work schedule for a day (must be more than 8 hours) or in excess of 40 hours a week that are officially ordered in advance.
- **Prevailing Rate Employee:** Wage Grade Employee (see definition below).
- **Tour of Duty:** Under a flexible work schedule, all hours and days for which flexible and core hours have been designated. Under a compressed work schedule or other fixed schedule, the tour of duty is synonymous with the basic work requirement.

- **Wage Grade Employees:** A pay system for employees in trades, crafts, or labor occupations covered by the Federal Wage System, whose pay is fixed and adjusted periodically in accordance with prevailing rates.
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POLICY

FLEXIBLE WORK SCHEDULE — MAXIFLEX

The maxiflex plan provides employees and managers latitude in the scheduling of work. Under the maxiflex plan, employees are not required to work 8 hours a day. However, employees must meet their bi-weekly basic work requirement and are required to work during the Center's established Core Hours (see Tour of Duty below) unless on approved leave.

BASIC WORK REQUIREMENTS

The basic work requirement of the maxiflex schedule 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.

- A full-time employee must work 80 hours in a biweekly pay period. Management has the option to establish daily or weekly basic work requirements.
- The basic work requirement for a part-time employee is the number of hours the employee must be present in a biweekly pay period.
- The basic work requirement must be completed between Monday 12:00 a.m. and Saturday 11:59 p.m. Hours worked on Sunday **will not** count toward the basic work requirement.

TOUR OF DUTY

- CDER Flexible Bands:

Monday through Friday:	12:00 a.m. - 9:29 a.m. 3:31 p.m. - 11:59 p.m.
Saturday and Sunday	12:00 a.m. - 11:59 p.m. (Only credit time may be earned on Sunday with supervisory approval.)
 - Core hours are Monday through Friday, 9:30 a.m. - 3:30 p.m.
 - Any CDER employee may request an exception to the CDER Core Hours by submitting a written request proposing alternative Core Hours and explaining the rationale for these hours to his or her Office Director.
 - In special circumstances or for a limited period of time, a manager can allow an employee to work through his or her lunch break and leave 30 minutes earlier, but in order to do this, the employee must request this in advance or his or her supervisor and get permission to do so.
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CREDIT HOURS

- Credit hours are hours worked at the option of the employee consistent with Center/Office policy; supervisors or managers must approve credit hours before they may be earned or used.
- Credit hours are earned only after an employee has met his or her basic work requirement. The basic work requirement for a full-time employee is 80 hours per pay period and can be either an "any 8" hours, an "any 40" hours, or an "any 80" hours. If an employee works "outside" these hours, the time can be counted as credit hours. For example, if an employee is on an any 8 schedule and exceeds the 8 hours for the day, all time over the 8 hours (with supervisory approval) can be credit time earned. Likewise for any 40 and any 80, all time worked over 40 and 80 hours (with supervisory approval) can be credit time earned. Since Sunday is not part of the basic work requirement, with supervisory approval, credit time can be earned for work performed on either Sunday during the pay period.
- Credit hours are distinguished from overtime in that credit hours are worked at the option of the employee, with supervisory approval, whereas overtime work is officially ordered and approved in advance by management.
- Credit hours must be worked within the flexible bands.
- When an employee uses credit hours, those hours are to be counted as part of the basic work requirement.
- 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 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.
- By law, a maximum of 24 credit hours may be accumulated and carried forward from one pay period to the next for full-time employees. Part-time employees may carry forward credit hours up to one-quarter of the hours in their 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.

Management may place a limit on the number of credit hours an employee may earn daily based on availability of work and the established flexible bands.

- When an employee is no longer eligible to earn credit time (for example conversion to SES), the employee will be paid 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 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).
- An employee may not be paid overtime pay, Sunday premium pay, or holiday premium pay for credit hours.

- Senior Executive Service members and Commissioned Corps officers are not eligible to earn or use credit time.

OVERTIME

- For employees under the maxiflex program, overtime hours are all hours of work in excess of 8 hours in a day or 40 hours in a week which are **officially ordered and approved in advance** by management. The requirement that overtime hours be officially ordered and approved in advance also applies to nonexempt employees under the Fair Labor Standards Act (FLSA).
- Management can order an employee who is covered by the maxiflex program to work hours that are in excess of the number of hours the employee "planned" to work on a specific day. Employees will receive overtime only for those hours of work officially ordered in advance that exceed 8 hours in a day or 40 hours in a week. *Note: If an **employee elects** to work over 8 hours a day or 40 hours in a week to meet his or her basic work requirement, he or she will not earn overtime for those hours. All hours an employee elects to work that exceed the basic work requirement will be recorded as credit hours.*
- Senior Executive Service members, Physician Special Pay employees, Senior Biomedical Research Service employees, and Commissioned Corps officers may not earn overtime.

COMPENSATORY TIME

- Compensatory time off is time off earned on an hour-for-hour basis in lieu of overtime pay. For employees in the maxiflex program, the compensatory hours of work may be regularly scheduled or irregular and occasional.
- A supervisor may grant compensatory time off in lieu of overtime pay at the request of the employee (including nonexempt employees and prevailing rate employees) under the maxiflex schedule.
- Employees not entitled to time and one-half overtime pay under the law (e.g., those above grade 10 step 10), will normally receive compensatory time in lieu of overtime pay for occasional and irregular overtime worked except when management determines that the employee is unlikely to have the opportunity to use the compensatory time within 8 pay periods.
- Senior Executive Service members, Physician Special Pay employees, Senior Biomedical Research Service employee, and Commissioned Corps officers may not earn compensatory time.

NIGHT PAY (General Schedule Employees)

- If an employee's tour of duty includes 8 or more hours 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.).

- 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.

NIGHT DIFFERENTIAL (Wage Grade Employees)

- 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.
- 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.

HOLIDAY PAY (When No Work Is Performed)

- Under the maxiflex program, a full-time employee 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. *Note: Because an employee on maxiflex cannot receive more than 8 hours pay on a holiday, it is sometimes necessary for an employee to make up the difference of time he or she typically would have worked on that day if it were not a holiday.*

For example, an employee usually completes his 80 hours basic work requirement by working 10 hours per day Monday through Thursday. If a holiday falls on a Monday of the first week, and the employee works his or her typical schedule for the remainder of the pay period (10 hours Tuesday, Wednesday, and Thursday, and 10 hours Monday through Thursday the second week), he or she will only have completed 78 hours at the end of the pay period. This is because the employee typically works 10 hours on the day of the holiday, but is limited to 8 hours of basic pay. The employee needs to take 2 hours of leave or work an additional 2 hours sometime during the remainder of the pay period.

- 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).
- 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.

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

- 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).
- Sunday non-workday: 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).
- 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.

PAY FOR HOLIDAY WORKED - HOLIDAY PREMIUM PAY

- A full-time employee under the maxiflex program 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 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.
- An employee under the maxiflex program who works during non-overtime and non-holiday hours that are part of the employee's basic work requirement on a holiday is paid his or her rate of basic pay for those hours of work.
- For example, an employee who works 10 hours on a holiday (including 1 hour of overtime work ordered by a supervisor) and who has a 9-hour basic work requirement on that day, would earn holiday premium pay for the first 8 holiday hours worked, his or her rate of basic pay for 1 hour, plus 1 hour of overtime pay.
- A part-time employee under the maxiflex program 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).

SUNDAY WORK

- Hours an employee elects to work on a Sunday may not be counted towards his or her basic work requirement. The basic work requirement must be completed between Monday and Saturday. 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.

- Employees who are officially ordered and approved in advance to work on Sunday may receive overtime pay for all hours worked in excess of 40.

PAID LEAVE

- Paid time off during an employee's basic work requirement must be charged to the appropriate leave category, credit hours, compensatory time off, time-off award, or to excused absence if warranted.
- An employee may not apply more sick or annual leave to a given day than he or she is scheduled to work on that day. Caution must be exercised in situations when employees are not required to schedule their daily work hours in advance, or in situations in which a daily basic work requirement is not established, to ensure that sick leave is not abused. Management may determine the number of sick hours to approve by (1) reverting back to an 8-hour day, or (2) approving the typical or average amount of hours the employee work have worked that day if the employee did not request sick leave. *Note: Rules regarding the appropriate use and approval of sick leave are not changed by this policy.*

For example, an employee working under the maxiflex schedule with an 80-hour basic work requirement has worked 70 hours by Thursday of the second week in the pay period. If the employee calls and requests sick leave Friday, the supervisor will need to determine how much sick leave he or she will approve. Management can decide to revert back to an 8-hour day and approve 8 hours of sick leave. In this case, the employee would have to take another 2 hours of leave (other than sick leave) to complete his or her basic work requirement. Management also has the option to approve the typical or average number of hours the employee would have worked that day. If the employee usually works 10 hours on a Friday, the supervisor may approve 10 hours of sick leave.

EXCUSED ABSENCE

- Excused absence (also referred to as *administrative leave*) may be granted to employees covered by the maxiflex schedule under the same circumstances excused absence would be granted to employees covered by other work schedules. To determine the amount of excused absence to grant when an employee does not have a regular schedule and the office is closed for the entire day, the supervisory has the option of designating the closure day as a regular 8-hour day and may grant all full-time employees 8 hours of excused absence. Supervisors also have the option of granting excused absence of the typical or average number of hours worked for that day.
- 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 flexible 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.
- 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. Supervisors also have the option of granting excused absence up to the average or typical number of hours an employee works on that day. For example, if an employee worked 2 hours of a typical 10-hour day, and the office closes, management can grant the employee 8 hours of excused absence.

- 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.
- Supervisors may grant excused absence to part-time employees based on the average, typical, or scheduled number of hours worked for that day.
- For voting purposes, employees working under the CDER-adopted flexible bands in the maxiflex schedule will rarely need excused absence due to the fact that polling places are open for extended periods of time. However, for employees working a compressed schedule and those 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 less time off.
- Employees on the alternative work schedule will be treated the same as employees on fixed work schedules during emergency situations. If the Government closes a full workday that is the regular day off (RDO) for an employee under the compressed or maxiflex schedule, 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.

TRAVEL AND TRAINING

- Supervisors may require an employee to follow a traditional fixed schedule (8 hours a day, 40 hours a week) during any period(s) he or she is on official travel status.
- An employee **may not** earn credit hours for travel.
- When an employee is in travel status during the hours of his or her regularly scheduled administrative workweek, including regularly scheduled overtime hours, that time is considered to be hours of work and must be used for the purpose of overtime pay calculations as applicable. *PLEASE NOTE: OVERTIME HOURS ARE INITIALLY SCHEDULED FOR WORK, NOT TRAVEL.*
- Because time spent in travel status outside regularly scheduled hours is not compensable in most cases, the hours that constitute regularly-scheduled work for employees that did not revert to a traditional schedule (8-hour day or 40-hour week) must be determined when employees are on

official travel. The guidance found under "Excused Absence" may be used to make this determination.

For example, an employee who typically works 8:00 a.m. to 6:30 p.m. Monday, Tuesday, and Wednesday (10 hours per day) and 8:00 a.m. to 1:30 p.m. Thursday and Friday (5 hours per day) is scheduled to travel on a Monday. If the total travel time was 10 hours, all of the travel time meets the definition of hours of work. However, if the employee were scheduled to travel 10 hours on Friday, only 5 hours of the travel time would be considered hours of work. If management policy requires employees in travel status to revert back to an 8-hour day, 8 hours on Friday would have been considered hours of work.

COMPRESSED WORK SCHEDULES (CWS)

Compressed work schedules are **fixed** work schedules that allow employees to complete their basic work requirement in less than 10 workdays. The days and hours are scheduled in advance; employees do not have the discretion to change their workdays or work hours during the workweek. A typical example of a compressed work schedule is a 4-day, 10-hour work schedule, Tuesday through Friday. (Saturday, Sunday and Monday are non-workdays.)

To work a compressed work schedule, the employee must request an exception to the CDER Core Hours by submitting a written request proposing alternative Core Hours and explaining the rationale for these hours to his or her Office Director.) See Attachment A.

BASIC WORK REQUIREMENT

- 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:
 1. 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.
 2. 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.
- 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. Only supervisors may change or stagger the fixed daily arrival and departure time (e.g., arrival time does not have to be the same each day) of employees.

For example:

Each Monday in a pay period an employee works from 7:00 a.m. to 5:30 p.m.
Each Tuesday in a pay period an employee works from 7:30 a.m. to 6:00 p.m.
Each Wednesday in a pay period an employee works from 6:00 a.m. to 4:30 p.m.
Each Thursday in a pay period an employee works from 7:00 a.m. to 5:30 p.m.
This completes the 80-hour biweekly work requirement
Friday is the employee's scheduled CWS day(s) off each pay period

TOUR OF DUTY

- The tour of duty for employees under a CWS program is defined as the number of hours established by the supervisor and employee that the employee is scheduled to work each day (may be more than 8).
- An employee's work requirement under a CWS must be scheduled for fewer than 10 days in a biweekly pay period as established by the supervisor and employee.

FLEXIBLE BANDS

- Because the premium pay guidance has not been suspended for fixed schedules, 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

NOTE: As mentioned under the basic requirement, all compressed work schedules have predetermined starting and ending times for each day. Therefore, predetermined daily work requirements must be met within the flexible bands stated above.

CREDIT HOURS

- 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)).

OVERTIME WORK

- For full-time employees under a CWS program who are exempt (not covered) under FLSA, overtime hours are those hours officially ordered and approved in advance in excess of the compressed work schedule. For full-time employees who are nonexempt (covered), overtime hours also include any hours worked outside the compressed work schedule that are "suffered or permitted." For a part-time employee, overtime hours are hours in excess of the compressed work schedule for a day (and more than 8 hours) or for a week (and more than 40 hours).
- Members of the Senior Executive Service, employees covered by Physician Special Pay, Senior Biomedical Research Service employees, or Commissioned Corps officers may not earn overtime.

COMPENSATORY TIME OFF

- Employees on a CWS may request substitution of compensatory time for overtime. It is given on an hour-for-hour basis in lieu of payment for irregular or occasional overtime work. Mandatory compensatory time off in lieu of overtime pay may be ordered only for employees who are FLSA exempt (who are not prevailing rate employees) and whose rate of basic pay exceeds the rate for GS-10, step 10.

- Members of the Senior Executive Service, employees covered by Physician Special Pay, Senior Biomedical Research Service employees, or Commissioned Corps officers may not earn compensatory time.

NIGHT PAY (General Schedule Employees)

- Under a compressed (fixed) work schedule, night pay has not been suspended. Therefore, employees who work the majority of their regular tour of duty between the hours of 6:00 p.m. and 6:00 a.m. must be paid night differential.

- **NIGHT DIFFERENTIAL (Wage Grade Employees)**

- Under a compressed (fixed) schedule, night differential pay has not been suspended. Therefore, 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.

HOLIDAY PAY (WHEN NO WORK IS PERFORMED)

- 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.

1. A full-time employee on a CWS 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).

2. Determining "in lieu of" holidays when holidays fall on non-workdays for full-time employees:

- a. Non-workdays other than Sunday. If a holiday falls on a non-workday of an employee on a CWS, 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.

- b. 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.

PAY FOR HOLIDAY WORK

- A full-time employee on a CWS 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.
- A part-time employee on a CWS is entitled to holiday premium pay only for work performed during his or her daily tour on a holiday.

PAY FOR SUNDAY WORK

- A full-time employee on a CWS 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.
- A part-time employee is not entitled to premium pay for Sunday work.

PAID TIME OFF

- Paid time off during an employee's basic work requirement must be charged to the appropriate leave category, compensatory time off, time-off award, or to excused absence, if applicable.

EXCUSED ABSENCE

- Excused absence may be granted to employees covered by a CWS 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. See Excused Absence under the FWS for policies, page 9

TRAVEL

- Travel and training may have an impact on employees who are on a CWS. The impact will depend on the length of time involved. If the travel or training will affect 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.
-

RESPONSIBILITIES

- **The Center Director will:**

Review the Center's AWS plan at least annually and decide whether to continue, modify, or terminate it. Any changes should be submitted to the Program Management Services Branch, Division of Management Services (DMS), prior to Office of Management clearance.
- **The Super Office Directors will:**

1. Determine the needs of employees and to what extent AWS should be implemented in their immediate offices.
 2. Develop an AWS supplemental plan within the Center's parameters or adopt CDER's plan and distribute copies to all employees in the Office.
 3. Review the Super Office's AWS supplemental plan at least annually and decide whether to continue, modify, or terminate it. Any changes should be submitted to the Program Management Services Branch, DMS, prior to Office of Management clearance.
 4. Approve all AWS requests and/or modifications in the Immediate Office, taking into account workload requirements and Office functions, as well as the impact on the schedules of other employees. Approval of employee requests to work a compressed schedule are to be based on the following factors:
 - a. 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
 - b. Employee's position does not normally require travel or other work requirements that preclude a regularly scheduled day off every pay period.
- **The Office Director will:**
 1. Determine the needs of employees and to what extent AWS should be implemented.
 2. Develop an AWS supplemental plan within the Center/Super Office's parameters or adopt CDER's plan and distribute copies to all employees in the Office.
 3. Review the Office's AWS supplemental plan at least annually and decide whether to continue, modify, or terminate it. Any changes should be submitted to the Program Management Services Branch, DMS, prior to Office of Management clearance.
 4. Approve all AWS requests and/or modifications in the Immediate Office, as stated for the Super Office Director.
 5. Review and approve/disapprove employee requests for an exception to the CDER Core Hours.
 - **The Immediate Supervisor will:**
 1. Determine on a continuing basis when the work requirement of certain positions precludes employees in those positions from participating in maxiflex and/or compressed work schedules.
 2. 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.

3. Determine whether travel or training will have an impact on employees who are on a compressed work schedule. If so, require the employee to revert to an 8:00 a.m. to 4:30 p.m. schedule for the duration of travel or training.
- **Employees will:**
 1. Submit a written request to the Office Director requesting an exception to the CDER Core Hours, proposing alternative Core Hours, and explaining the rationale for these hours.
 2. Submit a written request to the immediate supervisor to participate in or change a flexible work schedule or a compressed work schedule. The request must be submitted and approved in advance before starting the new schedule.
 3. Account for their time through Center/Office designated time, attendance, and leave recording policy.
 - **The Program Management Services Branch, Division of Management Services, OM, will:**
 1. Review Office supplemental plans for adherence to Center policies before submitting to the Director, OM, for clearance.
 2. Maintain a record of all Office supplemental plans.
 3. Provide information and guidance to CDER employees on AWS policies and procedures.
-

EFFECTIVE DATE

This MAPP is effective upon date of publication.

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ATTACHMENT A

REQUEST FOR ALTERNATIVE WORK SCHEDULE

DATE: _____

TO: _____
(SUPERVISOR)

SUBJECT: DESIRED WORK SCHEDULE

I am requesting to work the following schedule:

_____ Regular Fixed Schedule _____ a.m. to _____ p.m.

OR

_____ 5-4/9 Compressed Schedule
8-1/2 day is _____ of week _____ of pay period
(day) (1 or 2)

Starting time - 9-1/2 hour days _____; 8-1/2 hour days _____

OR

_____ 4-10 Compressed Schedule
Day off is _____
Starting time is _____

OR (within CDER Core Hours)

_____ Any 8 Maxiflex Schedule - estimated daily arrival time _____ a.m.

_____ Any 40 Maxiflex Schedule - estimated daily arrival time _____ a.m.

_____ Any 80 Maxiflex Schedule

I have read and understand the provisions of this MAPP and Article 25 of the Collective Bargaining Agreement between FDA and NTEU.

Signature of Employee

_____ APPROVED
_____ APPROVED WITH FOLLOWING CONDITIONS/MODIFICATIONS
_____ DISAPPROVED (provide explanation/justification on reverse side)

Signature of Supervisor

_____ APPROVED EXCEPTION TO CDER CORE HOURS (proposed alternative core hours with explanation for rationale for these hours attached)

Signature of Office Director

ATTACHMENT B

The following chart further explains "in lieu of" holidays.

FULL-TIME EMPLOYEES

If a Holiday Falls On A ...	The Holiday Observance Would Be ...	And the Full-Time Employee ...	The Employee Will Receive ...
Monday	Monday	Typically works 8 Hours on Monday	8 hours regular pay for holiday
Sunday	Monday*	Does not work on Sunday	8 hours regular pay on Monday for the holiday

- **If the employee was not scheduled to work on Monday, the next workday would be "in lieu of" holiday.**

PART-TIME EMPLOYEES

If a Holiday Falls On A ...	The Holiday Observance for Full-Time Employees will Be ...	And the Part-Time Employee ...	The Employee Will Receive ...
Monday	Monday	Typically works 4 hours on Monday	4 hours of pay on the holiday
Sunday - a non-workday	Monday - full-time employees only	Typically does not work Monday	0 hours of pay for the holiday**
Sunday - a non-workday	Monday - full-time employees only	Is scheduled to work 4 hours on Monday	4 hours of excused absence for Monday

* Part-time employees are not eligible for "in lieu of" days.

** A part-time employee does not receive pay for the holiday if the employee typically does not work on the day in which the holiday falls.