

MANAGEMENT

RELIGIOUS COMPENSATORY TIME

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PURPOSE This MAPP outlines the policies and procedures, within the Center for Drug Evaluation and Research (CDER), for earning and using religious compensatory time for religious observances.

REFERENCES

- HHS Instruction 550-11, *Compensatory Time Off for Religious Observances*.
 - 5 USC 5550A, *Compensatory Time Off for Religious Observances*.
 - 5 CFR 550 Subpart J, *Adjustment of Work Schedules for Religious Observances*.
 - HHS Guide for Timekeepers, Chapter 5, Section G, *Religious Compensatory Time Off*.
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DEFINITIONS

- **Personal Religious Belief.** This term should be interpreted broadly. The religious belief does not have to be associated with an established religion or be a recognized requirement of an established religion.

- **Religious Compensatory Time.** Time taken off for religious observances and earned back by working overtime (non-paid).
 - **Overtime Work.** Work performed beyond the employee's scheduled tour of duty.
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COVERAGE

All civilian employees, including Wage Grade (WG), Senior Executive Service (SES), Senior Biomedical Research Scientist (SBRS), and Title 38 employees, are permitted to use religious compensatory time for religious observances, and work overtime to make up for the absence. Commissioned Corps Officers are not permitted to earn or use religious compensatory time.

POLICY

- An employee is permitted to use religious compensatory time for religious observances, and work overtime to make up for the absence. The employee must make up for the religious compensatory time off within four pay periods from when the compensatory time was taken.
- Religious compensatory time is not intended to give employees additional holidays or annual leave. Rather, it is intended to provide employees an added option to follow their personal religious beliefs.
- Employees may request and combine other forms of leave for religious observances, such as annual leave, leave without pay, credit hours, or regular compensatory time.
- Religious compensatory time is different from regular compensatory time in that it can be used before it is earned and is recorded differently for time and attendance purposes.
- Center management will make reasonable accommodations to grant employees religious compensatory time off. However, a request may be denied if the absence would interfere with the organization accomplishing its work efficiently. For example, a request for religious compensatory time off could be denied if the absence would:
 1. Interfere with the accomplishment of high priority work with a short turnaround time;

2. Cause unsafe working conditions for co-workers;
 3. Interfere with essential work that cannot be performed by another employee;
 4. Interfere with work that cannot be appropriately performed outside of business hours;
 5. Result in more than a nominal increase in operating costs; or
 6. Compromise employment entitlements of other employees.
- An employee may not perform religious compensatory overtime work at an alternative work site unless he/she is on an approved Flexible Workplace Arrangements Program (FWAP) agreement that provides for overtime work at an alternative work site.
 - An employee with an outstanding (unpaid) balance of religious compensatory time off must eliminate that balance before he/she can be compensated for other overtime worked (either pay, credit time, or compensatory time).
 - Earning and using religious compensatory time is merely a substitution of time and cannot result in an entitlement to premium pay.
 - An employee who has worked religious compensatory overtime and subsequently is unable to take the time off retains credit for the religious compensatory time earned until it is used or the employee separates.
 - If religious compensatory time off has not been repaid by the date the employee separates, the Department will withhold an appropriate amount of basic pay from the employee's final statement. However, if there is sufficient annual leave to the employee's credit, he/she may choose to have the excess compensatory time off charged as annual leave.
 - An employee who separates from the Department with unused religious compensatory overtime work to his/her credit will be paid for the unused compensatory time at the rate of basic pay at the time the work was performed.

RESPONSIBILITIES

The employee requesting religious compensatory time off:

- Requests approval of religious compensatory time off in advance and in writing. The employee completes an Application for Leave (SF-71), or uses another method approved by the supervisor, identifying the date(s), number of hours requested, and a brief explanation of the religious belief that necessitates the employee's absence from work. The explanation may be indicated in the "REMARKS" section of the SF-71 or attached as a separate statement to the SF-71.

The employee's leave approving official:

- Ensures that the employee has provided the information required above. If the employee has not provided the required information, the leave approving official will inform the employee and return the request without action.
- Indicates approval/disapproval of the request on the SF-71. If the request is disapproved, it must be in writing to the employee and must specify the reason for the disapproval.

The employee's timekeeper:

- Follows different procedures for recording religious compensatory time than for recording regular compensatory time. See the HHS Guide for Timekeepers, Chapter 5, Section G, *Religious Compensatory Time Off*, for information on recording religious compensatory time.
 - Maintains the employee's religious compensatory time off and time earned/owed on the Administrative Time and Leave Record (PHS-6382).
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APPROVAL AUTHORITY

The authority to approve/disapprove religious compensatory time is delegated to leave approving officials.

EFFECTIVE DATE

This MAPP is effective upon date of publication.