

CENTER DIRECTOR

**Flexible Workplace Arrangements Program For
The Regulatory Policy Staff (RPS)**

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PURPOSE

This mapp describes the policies and procedures governing the Flexible Workplace Arrangements Program (FWAP) for the Regulatory Policy Staff (RPS).

BACKGROUND

- The Flexiplace and Work-at-Home programs have been combined to create the Flexible Workplace Arrangements Program (FWAP). The FWAP permits an employee to perform work away from his/her official duty station on a long-term or short-term basis.
- Implementing the FWAP within RPS requires balancing the need to work as a team with the individual needs of employees. The work of RPS is highly demanding and

requires frequent and direct communication with individuals from other components of CDER, the Agency, and external constituents. The implementation of the FWAP should not undermine the effectiveness and efficiency of this effort and should promote professional conduct regardless of work location. Although many of the job responsibilities of RPS do not lend themselves to work routinely away from the primary worksite, extended periods of uninterrupted time may allow staff members to devote concerted efforts to specific projects, especially those with short deadlines.

Furthermore, working away from official duty stations can provide other benefits, such as eliminating long commutes, allowing employees to work more productively, or simply improving the quality of life of staff members. Employees may also need to work at home for limited periods of time due to temporary physical limitations. While there are different reasons for participation in the FWAP, employees, team leaders, and management should ensure that implementing this program is not detrimental to the work of RPS or the Center.

- In all cases, the execution of FWAP agreements will depend on coordinating employee schedules so that adequate RPS office coverage is maintained and work operations are not hindered.
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REFERENCES

- FDA's Master Plan - Flexible Workplace Arrangements Program (1997)
 - CDER Flexible Workplace Arrangements Program (FWAP), MAPP 4657.2
 - Alternate Work Schedules (AWS) for the Regulatory Policy Staff, MAPP 4140.2
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DEFINITIONS

- **Long-term.** Employees work according to on-going plans that provide for working away from their official duty station for more than two consecutive workweeks (one or more days each week).
- **Short-term.** Employees work away from their official duty stations for two consecutive workweeks or less; applies to employees who, due to compelling reasons, need to work away from their official work sites. Short-term flexible work arrangements may be based on the need to complete special assignments/projects, medical conditions (e.g., illness, injury), or other reasons.

- **Telecommuting (Satellite) Work Centers.** Alternative work sites for employees who travel long distances between their homes and their official duty stations. See FDA's Master Plan for the specific locations of the centers and the facilities available at these locations.
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POLICY

- This MAPP establishes the procedures for the Regulatory Policy Staff's FWAP plan.
- Employee participation in the FWAP is voluntary and may be terminated at any time at the request of the employee or at the decision of management.
- All periods of participation in the FWAP, on a long-term and short-term basis, must be approved in advance.
- Only employees performing at the "meets performance measures" level (average of level of "C" for Commissioned Officers) or higher performance level may participate in the FWAP. Performance standards for participating employees must be consistent with those used for employees who perform the same or similar tasks at the official duty station.
- An employee working away from the official duty station is to be readily available by phone, electronic mail, or FAX to management officials, co-workers, and constituents.
- An employee participating in the FWAP is expected to attend meetings at the official duty station even when such meetings are scheduled on the employee's day to work at an alternative work site, unless participation in the FWAP is based on medical need. ***Failure to do so may result in the termination of the employee's participation in the program.***
- The work schedule approved for an employee participating in the FWAP must be observed. Duty time may not be used for purposes other than official work. Although participation in the FWAP may provide employees more time to accomplish family responsibilities, ***the FWAP is not to be used by employees to care for young children or other dependents during the agreed upon scheduled hours of work.***
- Employees participating in the FWAP may work a maxiflex schedule in accordance with the Alternative Work Schedules (AWS) plan for the Regulatory Policy Staff (see CDER MAPP 4140.2). The schedule must be consistent with the nature of the work being performed and the frequency of communication necessary with those at the

official work site or with work contacts in other locations. With prior approval by the Associate Director for Policy, credit time may be earned by eligible employees during the flexible bands. Credit time may not be earned by Commissioned Corps Officers, SES employees or Title 38 employees.

- All pertinent time and attendance, leave, and pay regulations must be observed by employees and managers when an employee participates in the FWAP, including established sign-in and sign-out procedures and documentation.
- Long-term FWAP:
 1. Long-term participation requires a written and executed FWAP agreement (Attachments B or C). FWAP agreements may cover a period of no longer than 1 year, and must be renewed at least annually.
 2. An employee in the long-term FWAP may participate only 1 day per week, unless specifically approved to work more days by the Associate Director for Policy on a case-by-case basis, and based on individual extenuating circumstances.
 3. No work schedule which includes a break of more than one hour may be established in a long-term FWAP agreement.
 4. On an ad-hoc basis, an employee may switch their scheduled off-site days with prior supervisory approval. When weather conditions are hazardous, an employee can call-in and be granted an approved FWAP day.
 5. Employees must state as part of their FWAP agreement that alternate arrangements to care for children/dependents will be in effect when the employee works away from the official duty station.
 6. Participation in a long-term FWAP agreement is open to employees whose position descriptions include significant work that can reasonably be performed away from the official duty station.
 7. Suitable training/orientation is required and must be conducted for employees approved for participation in the FWAP and their supervisors before an employee begins long-term participation in the FWAP.
 8. It is expected that participants in long-term FWAP agreements will have previously demonstrated their ability to perform work independently and have

adequate knowledge of applicable regulations and expectations regarding their work to perform that work independently. Approving officials are expected to certify that the above conditions have been met when they approve long-term agreements, and will be held accountable for ensuring that such conditions remain valid during the term of the long-term FWAP agreement.

9. The Director, Division of Commissioned Personnel, must be notified whenever approval is given to a Commissioned Officer to participate in the FWAP on a long-term basis. The Center's FWAP Coordinator must send a copy of the approved work agreement to the Division of Commissioned Personnel to be recorded as a supplement to the existing billet and to be placed in the officer's official personnel file.
- Short-term FWAP: An employee participating in the FWAP on a short-term basis is not required to complete a FWAP agreement. However, if the approving official requires it, the supervisor must certify in writing that it is necessary for the work to be performed at home. The supervisor may require the employee to submit medical documentation, such as a doctor's statement, if the short-term arrangement is based on a medical condition.
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RESPONSIBILITIES

- **Associate Director for Policy will:**
 1. Review the Regulatory Policy FWAP MAPP when appropriate and consider whether to continue, modify, or terminate it. Incorporate any changes into a revised MAPP.
 2. Ensure that long-term participants in the FWAP have adequate knowledge of applicable regulations and expectations regarding their work to perform that work independently. Determine, on a continuing basis, that the work quality and performance of an employee continues to meet the standard for satisfactory job performance.
 3. Approve or disapprove long-term and short-term employee participation in the FWAP.
 4. Approve modifications to the terms of employee participation in the FWAP or terminate the participation as necessary when it is in the interest of the Agency/Center.

5. Forward approved long-term FWAP agreements to the Center's FWAP Coordinator for maintenance and record-keeping purposes.

- **Director of the Regulatory Policy Staff will:**

1. Ensure that the Regulatory Policy Staff's overall performance is not negatively affected by the FWAP program and that the office is adequately staffed to meet all performance expectations at all times. Determine, on a continuing basis, that the work quality and performance of an employee continues to meet the standard for satisfactory job performance. Such determination shall be made in writing to the approving official at least annually. If such a determination cannot be made, participation by the employee shall be terminated.
2. Determine on a continuing basis when the work requirements of certain positions preclude employees in those positions from participating in the FWAP.
3. Certify in writing that it is necessary for an employee to perform work at home on a short-term basis if required by the approving official.
4. Ensure that FWAP participants have adequate knowledge of applicable regulations and expectations regarding their work to perform that work independently.
5. Review and sign each long-term FWAP agreement before forwarding it to the FWAP Coordinator. Provide initial approval for short-term participation in FWAP and forward the request to the Associate Director for Policy.
6. Determine timekeeping mechanism to be used by participants, e.g., employee logs in and out via e-mail, employee maintains a log of arrival and departure times.
7. Inform timekeeper of employees participating in FWAP, as well as of any changes made to work agreements.
8. Emphasize that the FWAP is *not* to be used to care for young children or other dependents during the agreed upon scheduled hours of work.

- **Center FWAP Coordinator in the Division of Management Services will:**

1. Advise supervisors and employees concerning the implementation of the

FWAP.

2. Disseminate FWAP materials and information.
3. Ensure that employees submit requests to participate in the FWAP (if required).
4. Review agreements for adherence to pertinent laws, regulations, and policies, including hours of work, pay, and leave before forwarding to approving official.
5. Forward agreements to the approving official.
6. Maintain appropriate documentation concerning program participation (e.g., signed agreements, data for annual reports).
7. Handle day-to-day responsibility and accountability for the program. This includes assuring that the agreements are completed in a timely manner and are in conformance with applicable rules and regulations, appropriate approvals are obtained, and employees and their supervisors are trained **prior** to participation in the program.
8. Provide appropriate training for employees participating in the FWAP and their supervisors.
9. Arrange, through Division of Compensation, Benefits, and Training (DCBT), OHRMS, employee use of satellite work centers.
10. Submit required data regarding employee participation to DCBT no later than December 30 each year.
11. Sign each agreement.

- **Employees will:**

1. Discuss participation in the FWAP or modifications to a FWAP agreement with their supervisor.
2. For long-term participation, complete and submit a long-term FWAP agreement to their supervisor.
3. Accurately and personally record entry time and departure time using timekeeping mechanism approved by Office.

PROCEDURES

- **Employee will** discuss participation in FWAP with the Director of the Regulatory Policy Staff.
 - **Director of the Regulatory Policy Staff and the employee will** attend a training session with the Center FWAP Coordinator to discuss Agency/Center policies, procedures, work agreements, questions/concerns, etc.
 - For long-term participation, **Employee will** complete and submit the appropriate FWAP agreement (civilian or Commissioned Corps) to the Director of the Regulatory Policy Staff.
 - **Director of the Regulatory Policy Staff will** review long-term FWAP agreement for completeness, sign the agreement indicating initial approval, and forward to the FWAP Coordinator for review
 - **FWAP Coordinator will** review the agreement and forward it to the Associate Director for Policy.
 - **Associate Director for Policy will** approve/disapprove the agreement and forward it to the FWAP Coordinator.
 - **The FWAP Coordinator will** maintain a record of all participants and provide any requested information to the Agency and/or Center management.
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REDELEGATION

The Center Director has redelegated authority to approve FWAP requests to Office Directors with no further redelegation authorized.

EFFECTIVE DATE

This guide is effective upon date of publication.

Attachment A

REGULATORY POLICY STAFF
LONG-TERM FLEXIBLE WORKPLACE AGREEMENT
(Civilian Employees)

The following constitutes an agreement between the Associate Director for Policy and _____ of the terms and conditions of a long-term Flexible Workplace Arrangement.

1. Employee volunteers to participate in a flexible workplace arrangement and to adhere to the applicable guidelines and policies. The Associate Director for Policy concurs with employee participation and agrees to the applicable guidelines and policies.
2. Employee agrees to participate in the project beginning _____ and ending _____.
3. Employee's official tour of duty will be: _____ to _____ (including a one half-hour non-paid lunch period) on _____ through _____ (e.g., 8 a.m. to 4:30 p.m. on Monday through Friday). Employee's flexible schedule will be: _____ to _____ (including a one half-hour non-paid lunch period) on the following day: _____.
4. Employee's official duty station is: _____ . The alternate duty station (the location in which the employee is designated to work while not at the official duty station) is: _____ . All pay, leave, and travel entitlements will be based on the employee's official duty station.

Description of the designated work area within the alternate duty station (including the space to be used such as home office, den, dining table; available equipment such as PC, modem, fax; and security-related equipment such as locked file cabinet and smoke detectors):

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5. Employee's timekeeper will have a copy of the employee's flexible workplace schedule. Employee's time and attendance will be recorded as performing official duties at the official duty station. Employee will certify the hours worked in each pay period and will provide a leave slip, as appropriate, for any hours not worked under the agreement during a pay period.
 6. Employee with supervisor's approval, may work a maxiflex schedule in accordance with the Alternative Work Schedules plan for the Regulatory Policy Staff (CDER MAPP 4140.2). The schedule must be consistent with the nature of the work being performed and the frequency of communication necessary with those at the official work site or with work contacts in other locations. Employees may earn, credit time with prior approval from the supervisor with concurrence of the Associate Director for Policy.
 7. Employees must obtain supervisory approval before taking leave in accordance with procedures established by the supervisor. By signing this agreement, employee agrees to follow established procedures for requesting and obtaining approval of leave.
 8. Employee will continue to work in pay status while working at his/her approved alternate work site. All overtime must be ordered and approved in advance, and will be compensated in accordance with applicable laws and regulations. By signing this agreement, employee agrees that failing to obtain proper approval for overtime work may result in his/her removal from the Flexible Workplace Arrangement Program and other action as appropriate.
 9. Alternate arrangements to care for children/dependents will be maintained when the employee works away from the official duty station.
 10. If employee borrows Government equipment, employee will borrow and protect the Government equipment in accordance with the procedures established in FIRMR Bulletin 30, October 15, 1985. Government-owned equipment will be serviced and maintained by the Government. If employee provides his/her own equipment, he/she is responsible for servicing and maintaining it.
 11. Provided the employee is given at least 24 hours advance notice, the employee agrees to permit periodic home inspections by the Government of the employee's home work site at periodic intervals during the employee's normal working hours to ensure proper maintenance of Government-owned property and work site conformance with safety standards and other specifications in these guidelines.

12. The Government will not be liable for damages to an employee's personal or real property during the course of performance of official duties or while using Government equipment in the employee's residence, except to the extent the Government is held liable by Federal Tort Claims Act claims or claims arising under the Military Personnel and Civilian Employees Claims Act.
13. The Government will not be responsible for operating costs, home maintenance, or any other incidental cost (e.g., utilities) associated with the use of the employee's residence if the residence is approved as the alternate work site. By participating in this program, the employee does not relinquish any entitlement to reimbursement for authorized expenses incurred while conducting business for the Government, as provided for by statute and implementing regulations.
14. Employee is covered under the Federal Employee's Compensation Act if injured in the course of actually performing official duties at the official duty station or the alternate duty station.
15. Employee will meet with the supervisor to receive assignments and to review completed work as necessary or appropriate.
16. Employee will complete all assigned work according to work procedures discussed between the employee and the supervisor and according to guidelines and standards stated in the employee's performance plan.
17. Employee's job performance will be appraised in accordance with his/her performance plan.
18. Employee's most recent performance rating of record must be at least at the "meets performance measures" level before participation in a flexible work arrangement may be approved.
19. Employee's current performance plan will contain performance standards covering work completed at the official duty station as well as work completed away from the official duty station.
20. Employee will apply approved safeguards to protect Government/agency records from unauthorized disclosure or damage and will comply with the Privacy Act requirements set forth in the Privacy Act of 1974, Public Law 93-579, codified at Section 552a, Title 5 U.S.C.
21. Employee and management have the right to terminate participation in the FWAP at any time. Management has the right to remove the employee from the project for such reasons as the employee's performance declines, the arrangement fails to benefit organizational needs, and the employee performs unapproved overtime work.

22. Employee agrees to limit the performance of his/her officially assigned duties to his/her official duty station or to agency-approved alternate duty stations, i.e., either home or telecommuting center. Failure to comply with this provision may result in loss of pay, termination of the flexible workplace arrangement, and/or other appropriate disciplinary action.
23. Employee is responsible for ensuring the safety and adequacy of the home workplace and for ensuring applicable building and safety codes are met. This includes but is not limited to: assuring that the home's electrical system is adequate for the use of Government equipment, safeguarding Government equipment from children and pets, and providing smoke detectors if required by the applicable building code. (Employees are encouraged to provide smoke detectors even if not required by the building code.)
24. If any government-owned computer equipment, software and/or peripherals are to be used in the home site, and/or if any Government records are to be electronically accessed from the home site, an approved Off-Site Computing Request will become part of this agreement.
25. All Government-provided equipment is for official business only.
26. The standards of conduct continue to apply to employees at their alternate duty station.
27. At specified intervals, the supervisor and the employee will conduct an evaluation which summarizes the flexible workplace impact on the office, the employee, the supervisor, and other organizational elements.

28. Other:

Employee Date

Director, Regulatory Policy Staff Date

Associate Director for Policy Date

Center Flexible Workplace Arrangements Coordinator Date Reviewed

Originator: Associate Director for Policy
3/26/98

Attachment B

REGULATORY POLICY STAFF
LONG-TERM FLEXIBLE WORKPLACE AGREEMENT
FOR COMMISSIONED CORPS OFFICERS

The following constitutes an agreement between the Associate Director for Policy and

_____ of the terms and conditions of a long-term Flexible Workplace Arrangement.

1. Commissioned Officer volunteers to participate in a flexible workplace arrangement and to adhere to the applicable guidelines and policies. The Associate Director for Policy concurs with Commissioned Officer participation and agrees to the applicable guidelines and policies.
2. Commissioned Officer agrees to participate in the project beginning _____ and ending _____.
3. Commissioned Officer's official tour of duty will be: _____ to _____ (including a one half-hour non-paid lunch period) on _____ through _____ (e.g., 8 a.m. to 4:30 p.m. on Monday through Friday). Commissioned Officer's flexible schedule will be: _____ to _____ (including a one half-hour non-paid lunch period) on the following day: _____.
4. Commissioned Officer's official duty station is: _____. The alternate duty station (the location in which the officer is designated to work while not at the official duty station) is: _____.

_____. All pay, leave, and travel entitlements will be based on the officer's official duty station.

Description of the designated work area within the alternate duty station (including the space to be used such as home office, den, dining table, etc.; available equipment such as PC,

modem, fax, etc.; and security-related equipment such as locked file cabinet and smoke detectors):

5. Commissioned Officer's timekeeper will have a copy of the officer's flexible workplace schedule. The officer's time and attendance will be recorded as performing official duties at the official duty station.
6. Commissioned Officer must obtain supervisory approval before taking leave in accordance with procedures established by the Commissioned Corps Personnel Manual. By signing this agreement, officer agrees to follow established procedures for requesting and obtaining approval of leave.
7. Alternate arrangements to care for children/dependents will be maintained when the Commissioned Officer works away from the official duty station.
8. Commissioned Officer will continue to work in a pay status while working in his/her residence. Officers cannot receive overtime, compensatory time, or credit hours.
9. If Commissioned Officer is provided Government equipment, he/she will borrow and protect the Government equipment in accordance with the procedures established in FIRMR Bulletin 30, October 15, 1985. Government-owned equipment will be serviced and maintained by the Government. If officer provides his/her own equipment, he/she is responsible for servicing and maintaining it.
10. Provided the Commissioned Officer is given at least 24 hours notice, the officer agrees to permit periodic home inspections by the Government of the officer's home work site at periodic intervals during his/her normal working hours to ensure proper maintenance of Government-owned property and work site conformance with safety standards and other specifications in these guidelines.
11. The Government will not be liable for damages to a Commissioned Officer's personal or real property during the course of performance of official duties or while using Government equipment in the his/her residence, except to the extent the Government is held liable by Federal Tort Claims Act claims or claims arising under the Military Personnel and Civilian Employees Claims Act.
12. The Government will not be responsible for operating costs, home maintenance, or any other

- incidental cost (e.g., utilities) associated with the use of the Commissioned Officer's residence. By participating in this program, the officer does not relinquish any entitlement to reimbursement for authorized expenses incurred while conducting business for the Government, as provided for by statute and implementing regulations.
13. Commissioned Officers are entitled to medical care and disability compensation in the same manner as members of other Uniformed Services if injured in the course of actually performing official duties at the official duty station or the alternate duty station.
 14. Commissioned Officer will meet with the supervisor to receive assignments and to review completed work as necessary or appropriate.
 15. Commissioned Officer will complete all assigned work according to work procedures discussed between the officer and the supervisor and according to guidelines and standards stated in his/her Commissioned Officer Effectiveness Report (COER).
 16. Commissioned Officer's job performance will be appraised in accordance with his/her performance plan. An officer's performance is to be reported on the annual COER.
 17. At specified intervals, the supervisor and the Commissioned Officer will conduct an evaluation which summarizes the flexible workplace impact on the office, the officer, the supervisor, and other organizational elements.
 18. Commissioned Officer's most recent performance rating of record must be at least an average of "C".
 19. Commissioned Officer's COER contains performance standards covering work completed at the office (official duty station) as well as work completed at the officer's alternate workplace.
 20. Commissioned Officer will apply approved safeguards to protect Government/agency records from unauthorized disclosure or damage and will comply with the Privacy Act requirements set forth in the Privacy Act of 1974, Public Law 93-579, codified at Section 552a, Title 5 U.S.C.
 21. Commissioned Officer may terminate participation in the FWAP at any time. Management has the right to remove the officer from participation in the FWAP for reasons including his/her performance declines and the arrangement fails to benefit organizational needs.
 22. Commissioned Officer agrees to limit the performance of his/her officially assigned duties to the official duty station or to agency-approved alternate duty stations. Failure to comply with this provision may result in loss of pay, termination of the flexible workplace arrangement, and/or other appropriate disciplinary action.

- 23. Commissioned Officer is responsible for ensuring the safety and adequacy of the home workplace and for ensuring that applicable building and safety codes are met. This includes but is not limited to: assuring that the home's electrical system is adequate for the use of Government equipment, safeguarding Government equipment from children and pets, and providing smoke detectors if required by the applicable building code. (Employees are encouraged to provide smoke detectors even if not required by the building code.)
- 24. If any Government-owned computer equipment, software and/or peripherals are to be used in the home site, and/or if any government records are to be electronically accessed from the home site, an approved Off-Site Computing Request will become part of this agreement.
- 25. All Government-provided equipment is for official business only.
- 26. The standards of conduct continue to apply to Commissioned Officers at their alternate duty station.
- 27. Other:

Commissioned Officer Date

Director, Regulatory Policy Staff Date

Associate Director for Policy Date

Center Flexible Workplace Arrangements Coordinator Date Reviewed

Director, Division of Commissioned Personnel Date Reviewed