

OFFICE OF MANAGEMENT

Religious Compensatory Time

CONTENTS

PURPOSE
REFERENCES
DEFINITIONS
COVERAGE
POLICY
RESPONSIBILITIES
APPROVAL AUTHORITY
EFFECTIVE DATE

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 Guide for Timekeepers, Chapter 7, *Religious Compensatory Time*
 - Collective Bargaining Agreement Between FDA and NTEU, Article 19, Section 1, October 1, 1999
 - U.S. Office of Personnel Management, *Adjustment of Work Schedules for Religious Observances*
 - 5 U.S.C. 5550A, *Compensatory Time Off for Religious Observances*
 - 5 CFR 550 subpart J, *Adjustment of Work Schedules for Religious Observances*
-

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 by working overtime (non-paid).
 - **Overtime Work:** Work performed beyond the employee's scheduled tour of duty.
-

COVERAGE

- All civilian employees, including Wage Grade (WG), Senior Executive Service (SES), Senior Biomedical Research Scientist (SBRs), and Title 42 and Title 38 employees, are permitted to use religious compensatory time for religious observances and work overtime to make up 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 that 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 with an added option in following 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.
- CDER 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's mission. 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 a more than nominal increase in operating costs

6. Compromise employment entitlements of other employees

- An employee may not perform religious compensatory overtime work at an alternative work site unless he or she is on an approved Flexible Workplace Arrangements Program (FWAP) agreement that provides for overtime work at an alternative work site.
- An employee may not earn regular compensatory time or be compensated for overtime until any outstanding balance owed for religious compensatory time is repaid (worked off) in full.
- Earning and using religious compensatory time is merely a substitution of time and cannot result in an entitlement to premium pay. Premium pay provisions of the Fair Labor Standards Act (FLSA) do not apply to overtime worked in connection with religious compensatory time.
- An employee may earn and use religious compensatory time in quarter-hour increments.
- 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 settlement. However, if there is sufficient annual leave to the employee's credit, he or she may choose to have the excess compensatory time off charged to 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 request must include the following:

1. The date(s) and number of hours requested
2. A brief explanation of the personal religious belief that requires the employee to abstain from work at the time requested
3. The date(s) and times the employee will repay the hours used

- **The employee's leave approving official:**
 1. 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.
 2. Indicates approval or disapproval on the request. If the request is disapproved, the disapproval must be in writing to the employee and must specify the reason for the disapproval.

 - **The employee's timekeeper:**
 1. Enters religious compensatory time used (RCTUSED) and religious compensatory time earned (RCTEARNED) in EASE.
 2. Maintains the employee's religious compensatory time off and time earned/owed on the Administrative Time and Leave Record (HHS-564).
-

APPROVAL AUTHORITY

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

EFFECTIVE DATE

This MAPP is effective upon date of publication.