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**REVIEW MANAGEMENT**

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**FLEXIBLE WORKPLACE ARRANGEMENTS PROGRAM  
(FWAP)**

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**PURPOSE** This guide describes the policies and procedures governing the Flexible Workplace Arrangements Program (FWAP) for all components of the Office of Review Management.

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**BACKGROUND**

- The Flexiplace and Work-at-Home programs have been combined to create the Flexible Workplace Arrangements Program (FWAP). FWAP permits an employee to perform work away from his/her official duty station on a long or short term basis.
- Implementing FWAP within ORM requires balancing the need to work as a team with the individual needs of employees. In order to meet the deadlines for reviewing applications that require multiple concurrent reviews, the individual reviewers must work well together as a team, with opportunities for frequent and direct, often face-to-face communication. For this reason, CDER has made provision to locate all members of the review team together in contiguous space, including reviewers from other Offices. The implementation of FWAP should not undermine the effectiveness and efficiency of this team effort. At the same time, extended periods of uninterrupted time are valuable for allowing reviewers to devote concerted efforts to reviews (e.g., especially of large submissions). Also, working away from one's official duty station can provide other benefits, such as eliminating long commutes, allowing employees to work more productively, or simply improving their quality of life. 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 FWAP, employees, supervisors and managers should ensure that implementing this program is not detrimental to the work of the Center.

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## REFERENCES

- FDA's Master Plan - Flexible Workplace Arrangements Program (1994)
  - CDER's Flexible Workplace Arrangements Program (FWAP), MAPP 4657.2
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## DEFINITIONS

- **“Long-term”**. An employee on an ongoing plan that provides for working away from his/her official duty station for more than two consecutive workweeks (one or more days each week).
  - **“Short-term”**. An employee works away from his/her official duty station for two consecutive workweeks or less; applies to an employee who, due to compelling reasons, needs to work away from the official work site on a special assignment/project, who has a temporary medical condition (e.g., illness, injury), etc.
  - **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

1. Participation in a long-term FWAP agreements is open to employees whose position descriptions include significant work that can reasonably be performed away from the official duty station. In addition, it is expected that participants in long-term FWAP agreements will have previously demonstrated their ability to perform work independently and that they have adequate knowledge of applicable regulations and expectations regarding their work to perform that work independently. Supervisors and approving officials will be expected to certify that the above conditions have been met when they approve long-term agreements, and they will be held accountable for assuring that such conditions remain valid during the term of the long-term FWAP agreement.
2. A supervisor or manager can elect for his/her organization not to participate in FWAP.
3. Office and Division Directors have the option of implementing Office or Division specific supplemental FWAP plans outlining limitations, restrictions, etc., and

submitting the supplemental plans to the Deputy Center Director (Review Management) for concurrence. These plans may be more restrictive, but may not be less restrictive than the ORM FWAP plan.

4. Employee participation in FWAP is voluntary and may be terminated at any time either at the request of the employee or at the decision of management.
5. All periods of participation in the FWAP, on a long-term and short-term basis, must be approved in advance. Long-term participation must be approved in advance in writing.
6. Managers, supervisors and team leaders may participate in a long term FWAP agreement but only up to one day per week. Team leaders doing primary reviews may participate in FWAP up to 2 days per week.
7. Only employees performing at the Excellent level (overall average of level D 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.
8. A FWAP agreement (Attachments B and C of MAPP 4657.2) is always required before an employee may participate in the FWAP on a long-term basis. FWAP agreements may cover a period of no longer than 1 year, and must be renewed at least annually.
9. 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 immediate supervisor must certify in writing that it is necessary for the work to be performed away from the official duty station. The supervisor may require the employee to submit medical documentation, such as a health care practitioner's statement, if the short-term arrangement is based on a medical condition. The approving official for participation in the FWAP on a short-term basis is the Office Director.
10. Employees participating in the FWAP are 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. **Failure to do so may result in the termination of the employee's participation in the program.** In the case of such meetings, the employee may not claim for local travel expenses.
11. Employees participating in the FWAP on a long-term basis must provide assurance that they can report to their official duty station within 3 hours upon request (under normal commuting conditions).
12. Employees participating in the FWAP on a long-term basis may include Mondays or

Fridays as offsite days, but not both days.

13. An employee in the FWAP must work a minimum of two full days each week at the official duty station unless specifically approved to work less days at the official duty station by their supervisor on a case-by-case, week-by-week basis. Professional development activities approved under FDA form 2012 do not count toward these 2 days. An offsite day that falls on a holiday is counted as an offsite day. Employees participating in the FWAP on a long-term basis who work off-site 3 days a week should not expect to keep a “window office” at their official duty station, and may be required to share an office, should space limitations require office sharing.
14. The work schedule approved under a FWAP agreement must be observed by the employee. 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.**
15. Employees participating in the FWAP may work a flexitime schedule in accordance with the ORM Alternative Work Schedules plan (see CDER MAPP 60xx.x ). 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. However, employees on a flexitime schedule may not earn credit time, overtime, or compensatory time while working away from the official duty station. In very exceptional cases, credit time for special projects or deadlines may be approved in advance by the official authorized to approve overtime.
16. Supervisors must ensure that employees working away from the official duty station are readily available to management officials, co-workers, and constituents.
17. No on-going work schedule which includes a break of more than one hour may be established for an employee participating in the FWAP.
18. 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/sign-out procedures and documentation.
19. 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.
20. 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.

21. On an ad-hoc basis, an employee may switch their scheduled offsite days with the supervisor's approval. On days where weather conditions are hazardous, approval for an ad-hoc switch of an approved FWAP day may be granted after the fact.

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## RESPONSIBILITIES

- **Deputy Center Director (Review Management) will:**

Approve exceptions to the ORM supplemental plan.

- **ORM Office Directors will:**

1. Decide if the Office will participate in the FWAP. If so, either adopt the ORM plan as written, or develop Office-specific supplemental plans, if needed, outlining limitations, restrictions, etc. and submit the Office-specific plan to the Deputy Center Director (Review Management). If approved, these Office plans will be recorded in the Office section of the MAPP.
2. Approve or disapprove individual employee participation in the FWAP.
3. Determine on a continuing basis when the work requirement of certain positions in the Immediate Office preclude employees in those positions from participating 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 agreements to the Center's FWAP Coordinator for maintenance and record-keeping purposes.

- **Division Directors will:**

1. Decide if the Division will participate in the FWAP. If additional limitations or restrictions are desired for the Division, these are to be included with the Office-specific supplemental plans (see above).
2. Determine on a continuing basis when the work of certain positions precludes employees in those positions from participating in the FWAP.
3. 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, etc.

4. Review and sign the FWAP agreement before forwarding to the FWAP Coordinator.

- **Supervisors will:**

1. Determine on a continuing basis when the work requirement of certain positions preclude employees in those positions from participating in the FWAP.
2. Certify in writing that it is necessary for an employee to perform work away from official work site on a short-term basis (if required by the approving official).
3. Review and sign the FWAP agreement before forwarding to the Division Director.
4. 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.
5. Inform timekeeper of employees participating in FWAP, and of any official changes made to work agreements.
6. Determine, at least on a 6-month basis, that the work quality and performance of the employee on a long-term FWAP continues to meet the "excellent" standard. Such determination shall be in writing to the approving official. If such a determination cannot be made, participation by the employee shall be terminated.

- **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, etc.).
  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, employees and their supervisors are trained **prior** to participation in the program, etc.
  8. Provide appropriate training for employees participating in the FWAP and their supervisors.
  9. Arrange, through Division of Compensation, Benefits, and Training (DCBT), 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. Complete and submit a FWAP agreement, for long-term participation, to their supervisor.
    3. Accurately and personally record starting time and ending times using the approved timekeeping mechanism.
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## PROCEDURES

- **Employee will** discuss participation in FWAP with his/her supervisor.
- **The supervisor and employee will** attend a training session with the Center FWAP Coordinator to discuss Agency/Center policies, procedures, work agreements, questions/concerns, etc.(if not previously trained).
- **Employee will** complete and submit the appropriate FWAP agreement (civilian or Commissioned Corps) to his/her supervisor.
- **Supervisor and/or Division Director will** review agreement for completeness, sign the agreement indicating initial approval, and forward to the CDER FWAP Coordinator for review.

- **CDER FWAP Coordinator will** review the agreement and forward it to the approving official (usually the Office Director).
  - **Approving official will** approve/disapprove the agreement and return it to the CDER FWAP Coordinator.
  - **The CDER 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.

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**EFFECTIVE DATE**

This guide is effective upon date of publication