

## Guidance on Scheduling Work and Granting Time Off to Permit Federal Employees to Participate in Volunteer Activities

The Office of Personnel Management (OPM) has prepared the following guidance to support the efforts of departments and agencies to encourage employee participation in volunteer activities. Departments and agencies should also review any applicable regulations or policies and collective bargaining agreements before making determinations on these matters.

### SCHEDULING WORK AND TIME OFF

- **GENERAL.** The Federal personnel system provides departments and agencies with considerable flexibility in scheduling hours of work and time off. Departments and agencies are encouraged to make appropriate use of this flexibility in responding to requests for changes in work schedules or time off to allow employees to engage in volunteer activities, while giving due consideration to the effect of the employee's absence or change in duty schedule on work operations and productivity.
- **ALTERNATIVE WORK SCHEDULES.** Departments and agencies have the flexibility to approve a variety of work arrangements for employees seeking to engage in volunteer activities during normal work hours.

*Alternative Work Schedules (AWS)* -- Flexible or compressed work schedules may be established for employees who wish to engage in volunteer activities during normal working hours. Employees represented by an exclusively-recognized union may participate in a flexible or compressed work schedule only to the extent expressly provided under a collective bargaining agreement between the agency and the exclusive representative. (See 5 U.S.C. 6130(a)(2).) To review the extent to which AWS programs have already been applied, departments and agencies should review their internal AWS policies and practices and collective bargaining agreements. To determine how additional AWS flexibilities may be implemented, departments and agencies may also consult subchapter II of chapter 61 of title 5, United States Code; regulations in 5 CFR part 610, subpart D, Flexible and Compressed Work Schedules; and the Handbook on Alternative Work Schedules (<http://www.opm.gov/oca/aws/index.htm>) and OPM's Labor-Management Relations Guidance Bulletin: Negotiating Flexible and Compressed Work Schedules (<http://www.opm.gov/cplmr/html/flexible.asp>).

*Credit Hours* -- Credit hours are those hours within a flexible work schedule that an employee elects to work in excess of his or her basic work requirement (e.g., 80 hours in a pay period for a full-time employee) so as to vary the length of a workweek or workday. Employees may use credit hours to fulfill their basic work requirement, thereby gaining time off from work to pursue volunteer activities and

for other purposes. If a department or agency authorizes credit hours under its flexible work schedules program, the maximum amount of credit hours that may be carried over from one pay period to another is 24 hours.

- **SCHEDULING TIME OFF FROM WORK.** Employees seeking to participate in volunteer activities during basic working hours may be granted annual leave, leave without pay, compensatory time off, or, in very limited and unique circumstances, excused absence, as discussed below. (Employees may also be permitted to use accumulated credit hours under flexible work schedules, as discussed above.)

*Annual Leave* -- When employees request annual leave to perform volunteer service, departments and agencies should be as accommodating as possible in reviewing and approving such requests consistent with regulations in 5 CFR part 630, subpart C, Annual Leave, and applicable collective bargaining agreements.

*Leave Without Pay* -- At the discretion of the agency, leave without pay (LWOP) may be granted to employees who wish to engage in volunteer activities during normal working hours. As with annual leave, OPM encourages departments and agencies, whenever possible, to act favorably upon requests by employees for LWOP to perform volunteer services. However, LWOP is appropriate for extended periods only if the employee is expected to return to his or her job at the end of the LWOP. Agencies should review their internal policies on LWOP and applicable collective bargaining agreements.

*Compensatory Time Off* -- Departments and agencies may approve requests from employees for compensatory time off in exchange for performing an equal amount of time in irregular or occasional overtime work. For employees under flexible work schedules, departments and agencies may approve employee requests for compensatory time off for both regularly scheduled and irregular or occasional overtime work.

*Excused Absence (administrative leave)* -- Each department or agency has discretion to excuse employees from their duties without loss of pay or charge to leave. OPM advises that the granting of excused absence for volunteer activities should be limited to those situations in which the employee's absence, in the department's or agency's determination, is not specifically prohibited by law and satisfies one or more of the following criteria: (1) the absence is directly related to the department or agency's mission; (2) the absence is officially sponsored or sanctioned by the head of the department or agency; (3) the absence will clearly enhance the professional development or skills of the employee in his or her current position; or (4) the absence is brief and is determined to be in the interest of the agency. Ultimately, it is the responsibility of each department or agency head to balance support for employees' volunteer activities with the need to ensure that employees' work requirements are fulfilled and that agency operations are conducted efficiently and effectively. Agencies should review their internal guidance on excused absence and applicable collective bargaining agreements.

- **PART-TIME EMPLOYMENT AND JOB SHARING.** Part-time employment or job-sharing may also be appropriate for employees who request such arrangements in connection with performing volunteer service. Regulations in 5 CFR part 340 provide additional information on part-time employment and job-sharing.

## **AWARDS FOR VOLUNTEERISM**

Departments and agencies are encouraged to recognize their employees who volunteer their skills to help others. A department or agency may wish to become a Certifying Organization for the President's Volunteer Service Award

(<http://www.presidentialserviceawards.gov>). Certifying Organizations agree to perform the following roles:

- Verify that the volunteer(s) has completed the number of service hours required to earn a President's Volunteer Service Award.
- Nominate verified volunteers by completing and submitting an order form to purchase the award(s).
- Pay the nominal cost for the award package and its shipping, either directly or through local sponsorship.
- Receive the award package and distribute the award to each recipient.

In addition, agencies may wish to establish internal programs to reward employees who donate their time and talents to help others. However, providing cash or paid time off undermines the volunteer spirit in which these individuals donate their personal time and efforts for the benefit of others. Nevertheless, granting appropriate citations and letters of appreciation, or small mementos such as a "You Make a Difference" pin or mug, would demonstrate the agency's pride in the various beneficial services its employees render to the community.

## **LABOR-MANAGEMENT RELATIONS**

Agency officials are reminded that conditions of employment (such as work schedules) of bargaining unit employees may not be changed without notifying the exclusive representative of those employees and, upon timely request, bargaining on the matter to the extent required and/or permitted by laws, regulations, and collective bargaining agreements. Moreover, bargaining unit employees may participate in flexible or compressed work schedules "only to the extent expressly provided under a collective bargaining agreement between the agency and the exclusive representative." (See 5 U.S.C. 6130(a)(2).) For further information on an agency's collective bargaining obligations, agency officials should consult with their labor relations officers.

Departments and agencies should also consult OPM's Labor-Management Relations Guidance Bulletin: Negotiating Flexible and Compressed Work Schedules

(<http://www.opm.gov/cplmr/html/flexible.asp>).

## **PROHIBITION OF COERCION**

While managers, supervisors, and other agency officials may encourage employees to become more involved in volunteer activities, 5 U.S.C. 6132 provides that employees may not be coerced for the purpose of interfering with their legal rights under flexible and compressed work schedules. (Also see 5 U.S.C. 2302, Prohibited Personnel Practices.)

## **CONFLICT OF INTEREST AND HATCH ACT RESTRICTIONS**

Departments, agencies, and employees are reminded that conflict of interest laws and related regulations governing outside employment for compensation also apply to Federal employees who engage in volunteer activities. Hatch Act restrictions apply to employees who are on duty, as well as to those on paid or unpaid leave.

## **USE OF GOVERNMENT FACILITIES AND EQUIPMENT**

Employees may not use Government facilities and equipment for other than authorized purposes. (See 5 CFR 2635.704.) Employees may consult their agency ethics officials or Office of General Counsel for information about what may be authorized by their agency or department.

## **LIABILITY FOR WORK-RELATED INJURIES**

Departments and agencies need to be aware of liability issues related to employee participation in volunteer activities. The Department of Labor advises that, in most instances, employees who perform mission-related agency sponsored/sanctioned, or skills-enhancing volunteer activities while they are on excused absence are covered by 5 U.S.C. chapter 81, Compensation for Work Injuries. Other kinds of absences would most likely not be covered.