
COMPLIANCE

ALTERNATE WORK SCHEDULES FOR THE OFFICE OF COMPLIANCE

CONTENTS

PURPOSE
BACKGROUND
REFERENCES
DEFINITIONS
POLICY
RESPONSIBILITIES
REDELEGATION
EFFECTIVE DATE

Attachment A - Sample advanced written request to supervisor to earn credit hours

PURPOSE This MAPP describes Office of Compliance policies and procedures governing the Alternate Work Schedule (AWS) program and supersedes all previous Office Standard Operating Procedures (SOPs).

BACKGROUND

- The AWS program provides individuals with the flexibility to schedule their work time to accommodate their needs without materially disrupting the conduct of the Center's business.
 - FDA has revised its policies regarding core hours and flexible bands. The new policies allow the Centers to establish their own flexible bands, staying within the established parameters, or to adopt FDA's new policy. The Center's plan has been modified into the Office of Compliance plan.
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REFERENCES

- FDA's Master Plan for Alternative Work Schedules (1995)
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- CDER MAPP 4657.1, *Alternative Work Schedules* [CDER], November 7, 1995.
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DEFINITIONS

- **Alternate Work Schedules.** Any work schedule other than a designated fixed work schedule.
- **Basic Work Requirement.** The number of hours an employee is regularly scheduled to work, i.e., full-time employees, 40 hours in a week or 80 hours in a biweekly pay period; for part-time employees, fewer than 40 hours (but not less than 16 hours or more than 32 hours) in a week or fewer than 80 hours in a biweekly pay period.
- **Core Hours.** The time during the workday, workweek, or pay period within the tour of duty during which an employee covered by a flexible (not compressed) work schedule must be present for work.
- **Compressed Work Schedule.** Employees fulfill the requirement of working 80 hours in a biweekly pay period over a span of eight or nine work days, i.e., 5-4/9 (work 9 hours for 5 days of the first week and 4 days the next week with 1 day off) or 4/10 (work 4 days for 10 hours each week with 1 day off a week). This is a fixed schedule with a predetermined starting and ending time for each workday in the pay period, and the same day off each pay period. No credit hours may be earned by employees on a compressed work schedule.
- **Credit Hours.** Hours worked in excess of the basic work requirement used to vary the length of a workday.
- **Flexible Bands.** The time during the workday, workweek, or pay period within the tour of duty during which an employee may choose to vary his/her times of arrival to and departure from the work site. These time frames also provide time in which credit hours may be earned.
- **Maxiflex** (a.k.a. flexitime). Work is performed within the designated flexible band of hours and employees must be present for work or on approved leave during the designated core hours. Employees are allowed, with supervisory approval, to earn credit hours during the flexible bands. Credit hours may be earned and used in increments of 15 minutes.
- **Overtime Work.** Work that is officially ordered and approved in advance and

performed outside the employee's official work schedule.

POLICY

- This MAPP establishes the Office of Compliance’s internal procedures within CDER’s parameters. It has been submitted to the Director, Office of Management, CDER.

- The maximum flexible bands that Office of Compliance will permit are as follows:

Maxiflex Schedule:

Mon through Fri	6:00 a.m. to 10:00 a.m.; 2:00 p.m. to 10:00 p.m. (core hours = 10:00 a.m. to 2:00 p.m.)
Sat & Sun	6:00 a.m. to 6:00 p.m. (credit hours may be earned)

- Official FDA, CDER, and OC “business hours” are 8:00 a.m. to 4:30 p.m.
- Employees are expected to be available for meetings during official business hours regardless of AWS. Meetings times, training times, etc., are not defined by the core hours but can be scheduled to accommodate Center/Office or Division needs.
- Full-time and part-time employees, including Title 38 employees, are eligible to participate in any of the alternative work schedules. In all cases, the alternative work schedule options available to eligible employees will depend on coordinating employee schedules so that adequate office coverage is maintained and work operations are enhanced or not hindered.
- **Credit hours may not be earned by Commissioned Corps Officers, SES employees, or Title 38 employees.** A maximum of 24 credit hours may be accumulated and carried forward from one pay period to the next for full-time employees only. Part-time employees may carry forward credit hours up to 1/4 of their official tour of duty hours as recorded on their SF-50. **Any credit hours in excess of the amount allowed to be carried forward to the next pay period are lost.** Credit hours must be earned in advance and may be used just like annual leave, with the advance approval of the supervisor. Credit hours do not convert to pay.
- Overtime work must be in excess of the employee's scheduled tour of duty.

Overtime must be approved in advance. SES and Title 38 employees are not eligible to earn overtime.

- Time off during an employee's basic work requirement must be charged to the appropriate leave category for the number of hours the employee is scheduled to work that day (i.e., 10 hours for a regularly scheduled 10 ½ hour day; 9 hours for a 9 ½ hour day; and 8 hours for an 8 ½ hour day). The minimum charge for leave is one-quarter hour and additional charges are in multiples thereof.
- All employees on any type of alternative work schedule will be required to account for their time through use of a designated time accounting system. The current system in the Office of Compliance is the time clock. Employees must not punch time clocks in/out for other employees.
- Employees' AWSs may be withdrawn or modified by their supervisory chain.
- For purposes of excused absence from duty without charge to leave for voting and registration, it will be assumed that all employees are working the official Agency work hours (8:00 a.m. to 4:30 p.m.). If the polls are open three hours prior to the regular Agency opening or close at least three hours after regular business hours, excused absence will not be granted.
- Employees on alternative work schedules will be treated the same as employees on fixed work schedules for purposes of hazardous weather and emergency situations. When inclement or hazardous weather or other emergency situations result in the Agency determining an employee covered by an AWS was required to spend an inordinate amount of time commuting, the amount of time to be excused (up to two hours) should be based upon the amount of extra time it took the individual employee to commute to work.

Compressed Work Schedule:

The Office of Compliance will not participate in a Compressed Work Schedule at this time.

RESPONSIBILITIES

- **The Director, Office of Compliance will:**
 1. Determine the needs of employees and to what extent AWSs should be implemented in the Office.
 2. Approve/Disapprove employees' requests to work AWS.
 3. Develop an AWS supplemental plan or adopt the Center's plan and distribute to all employees in the Office.
 4. Review the Office's AWS supplemental plan at least annually and decide whether to continue, modify, or terminate it. Any changes should be submitted to the Director, OM.

- **Division Directors/Supervisors will:**
 1. Under the AWS authorized in the Office of Compliance, each supervisor will determine the needs of his/her office, recommend approval of the AWS to the Division and Office Directors, and make necessary adjustments to employees' schedules to facilitate the work of the office.
 2. Determine on a continuing basis when the work requirements of certain positions preclude employees in those positions from participating in maxiflex.
 3. Consider each employee's preference and determine the appropriate schedule for each employee, based on the needs of the office, workload requirements, and the request of other employees.

- **Employees will:**
 1. Submit an advanced written request (may be via e-mail) through the supervisory chain to earn credit hours. **See Attachment A for Sample.**
 2. Account for their time through use of a designated time accounting system, which is a time clock in the Office of Compliance.

- **Division of Management Services, Office of Management will:**

1. Provide information and guidance to Center employees on AWS policies and procedures.
 2. Review Office supplemental plans for adherence to Center policies before submitting to Director, OM for clearance.
 3. Maintain a record of all Office supplemental plans.
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REDELEGATION

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

EFFECTIVE DATE

This MAPP is effective upon date of publication.

Attachment A

(Required by Office of Compliance)
Sample advanced written request to earn credit hours

Date:

From: (Name of Employee) (HFD-3xx)

To: Director, Office of Compliance, HFD-300

Through: (Name of Division Director) (HFD-3xx)

Through: (Immediate Supervisor) (HFD-3xx)

Subject: Request to Earn Credit Hours

I request approval to earn credit hours under the Alternate Work Schedule. My normal workday will be (7:30 am - 4:00 pm) Monday through Friday.

I understand and agree to the following conditions:

1. A maximum of 24 hours may be accumulated and carried forward from one pay period to the next pay period. Hours in excess of 24 will be lost. (Full time employees)
2. Credit hours must be earned in advance.
3. Supervisory approval is necessary to use credit hours.
4. Be available for meetings during official Agency business hours (8:00 am - 4:30 pm).

_____ Approve: _____ Disapprove: _____
Office Director