
POLICY AND PROCEDURES

OFFICE OF MANAGEMENT

Religious Compensatory Time

Table of Contents

BACKGROUND1
POLICY1
RESPONSIBILITIES3
PROCEDURES4
REFERENCES.....5
DEFINITIONS5
SUMMARY OF CHANGES6
EFFECTIVE DATE.....6
CHANGE CONTROL TABLE.....6
ATTACHMENT: SAMPLE REQUEST.....7

BACKGROUND

This MAPP outlines the policies and procedures within the Center for Drug Evaluation and Research (CDER) for earning and using religious compensatory time (RCT) for religious observances. All civilian employees regardless of exempt/non-exempt status or grade, are permitted to use RCT for religious observances. Experts, consultants, and Commissioned Corps Officers are not permitted to earn and use RCT.

POLICY

1. Use of RCT is subject to supervisor approval. Reasonable accommodations must be made to grant religious compensatory time to employees for such observances, unless the adjustment of the work schedule will interfere with the efficient accomplishment of the organization’s mission. For example:
 - a. Interfere with the accomplishment of high priority work with a short turnaround time
 - b. Cause unsafe working conditions for co-workers
 - c. Interfere with essential work that cannot be performed by another employee

- d. Interfere with work that cannot be appropriately performed outside of business hours
 - e. Result in a more than nominal increase in operating costs
 - f. Compromise employment entitlements of other employees
2. Employees must accumulate or repay the amount of religious compensatory time used by working beyond their scheduled tours for the same number of hours used. Religious compensatory time may be earned up to four (4) pay periods before the event, but all religious compensatory time must be paid back within four (4) pay periods after the event. See Procedures section for instructions on how to update the employee's leave records if the leave is not paid back by the 4th pay period.
3. Each religious observance is a separate request and has a separate eight pay period window for which to earn the RCT.
4. Religious compensatory time may be earned and used in the quarter hour increments. Part-time employees may earn RCT for work performed outside their scheduled tour of duty even though such work is not necessary in excess of 8 hours in a day or 40 hours in a week.
5. 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.
6. 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.
7. Employees may not "bank" RCT hours and must use the hours earned for the intended/designated religious observance/event. If the employee is unable to use the earned RCT hours for the intended/designated religious event due to extenuating circumstances, then the employee will submit a revised statement of intent informing management of the dates that he/she will be using the remaining hours of RCT that were previously earned but were unable to use and apply the unused hours toward the next religious observance/event.
8. 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.

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9. Employees may **not** earn regular compensatory time or be compensated for overtime until any outstanding balance owed for RCT is repaid in full.
 10. Religious compensatory time may not be advanced for more than 80 hours.
 11. Earning and using RCT 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 RCT.
 12. An employee may not perform religious compensatory work at an alternative work site unless he or she is on an approved Telework agreement that provides for working extended hours at an alternative work site.
 13. If RCT off has not been repaid by the date the employee separates, an appropriate amount of basic pay will be withheld 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.
 14. An employee who separates with a balance of 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 work was performed.

RESPONSIBILITIES

1. Employee will:
 - Request to earn and use RCT must be submitted in advance and in writing to the Leave Approving Official.
 - Ensure all used RCT is paid back within 4 pay periods after the event.
 - If unable to use RCT, submit a revised statement of intent of the dates when earned leave will be used for a religious observance/event.
2. Leave Approving Official will:
 - Review employee's request ensuring that the employee has provided required information.
 - Approve/disapprove request in writing in a timely manner. If disapproved, provide written response with the reason for disapproval.

- Notifies the employee's timekeeper of any approvals.
- Ensures employee works to earn religious compensatory time as scheduled on approved request.
- Ensures employee at no time is advanced more than 80 hours of RCT.

3. Timekeeper will:

- Document the appropriate category on the employee's HHS-564 (Administrative Time and Leave Record) and maintain a record of the employee's earnings of RCT.
 - Record the hours earned by the employee into ITAS.
 - Create a Supplement in ITAS to amend the employee's timecard if the advanced RCT is not repaid by the 4th pay period.
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PROCEDURES

The Employee:

- Submits a written request to use RCT in advance of using or working overtime. The requesting employee must provide:
 - the date(s) and number of hours requested;
 - the specific future religious observance for which the compensatory time off will be used;
 - a brief explanation of the personal religious belief that requires the employee to abstain from work at the time requested; and,
 - the date(s) and times the employee will repay the hours used.

All requests must be submitted to the employee's leave approving official.

The Leave Approving Official:

- Will indicate approval or disapproval of the request in writing. If the request is disapproved, the disapproval must be in writing to the employee and must specify the reason for the disapproval.
- Forwards approval to the employee's timekeeper.

Timekeeper:

- Once approval documentation has been received, the Timekeeper must annotate the appropriate category on the Administrative Time and Leave Record (HHS-564) and start a record for the 4 weeks prior to and 4 weeks after the religious event for the reimbursement of hours. A Payroll Service Letter Request Memo is not needed. As the employee earns/pays back the RCT, the timekeeper is responsible for keying in the earned hours into ITAS. This process is the same as “keying in credit hours earned.”
- If the advanced RCT has not been repaid by the end of the fourth pay period after the religious observance, the timekeeper must create a SUPPLEMENT in ITAS to amend the timecard for a pay period when the RCT was used and charge the employee annual leave or LWOP on the **5th pay period**.

REFERENCES

1. HHS Guide for Timekeepers, Chapter 7, Religious Compensatory Time,
2. Collective Bargaining Agreement Between FDA and NTEU, Article 19 (Other Leave Provisions)
3. U.S. Office of Personnel Management, Adjustment of Work Schedules for Religious Observances, 5 U.S.C., Section 5550A, Compensatory Time Off for Religious Observances,
4. 5 CFR part 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 which require the abstention from work during certain periods of time.

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

SUMMARY OF CHANGES

- Updated to be consistent with new leave recording in ITAS and to update references.
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EFFECTIVE DATE

This MAPP is effective upon date of publication.

CHANGE CONTROL TABLE

Effective Date	Revision Number	Revisions
10/13/15	1	Updated to be consistent with new leave recording in ITAS and update references.

ATTACHMENT: SAMPLE REQUEST

Request to Earn and Use Religious Compensatory Time (RCT)

Date:

To: Supervisor

From: Employee

I am requesting to use 24 hours of Religious Compensatory Time (RCT) on March 22-24, 2009 to participate in/attend Easter Youth Retreat/Bible Study. Because I am Methodist, I am required/choose to participate in/attend this observance/event and must abstain from work duties during this time.

I plan to work the additional hours on the following dates and times in order to earn and repay the advanced RCT:

Monday, March 14	2 hours (5pm-7pm)
Tuesday, March 15	1 hour (5pm-6pm)
Saturday, March 26	4 hours (12pm-4pm)
Monday, March 28	2 hours (5pm-7pm)
Tuesday, March 29	2 hours (5pm-7pm)
Wednesday, March 30	2 hours (5pm-7pm)
Tuesday, April 12	3 hours (5pm-8pm)
Thursday, April 14	1 hour (5pm-6pm)
Saturday, April 17	7 hours (10am-5pm)

I understand that I may earn the RCT hours up to four (4) pay periods before and four (4) pay periods after this specific religious observance/event, and if I have not earned enough hours to repay the RCT, I will be charged Annual Leave or LWOP for any remaining balance of hours not earned but used. I further understand that neither regular Compensatory Time nor Overtime can be earned while there is a negative RCT balance of unpaid hours and that at no time can I be advanced more than 80 hours of RCT.

I also understand that each religious observance throughout the leave year will be handled with separate requests, and that I cannot "bank" any RCT hours earned. I must use those hours earned for the intended religious observance/event, but if I am unable to do so due to extenuating circumstances, then I will use/exhaust those earned hours for the next religious observance/event. I will submit a revised statement of intent informing management of the dates that I will be using the remaining hours of RCT that were previously earned but were unable to use.

Please reply indicating your approval or denial of the RCT plans.

Thank you for your consideration of this request.