# TAB 5

# HHS INSTRUCTION 550-11 COMP TIME FOR RELIGIOUS OBSERVANCES

HHS Transmittal 95.3
Personnel Manual
Issue Date: 3/13/95

Materials Transmitted

This transmittal supersedes HHS Instruction 550-11, Compensatory Time Off for Religious Observances (HHS Transmittal 87.24 dated 9/18/87).

Background

The existing Instruction 550-11 contains policy and guidance which duplicates that already provided in law and regulation. Therefore, consistent with the findings of the National Performance Review and the President's directive to eliminate unnecessary internal regulations, a streamlined HHS Instruction 550-11 is reissued.

Thomas S. McFee
Assistant Secretary for
Personnel Administration

Distribution: MS (PERS): HRFC-001

# HHS INSTRUCTION 550-11

## COMPENSATORY TIME OFF FOR RELIGIOUS OBSERVANCES

| | |
|---|---|
| 550-11-00 | Purpose and Coverage |
| 550-11-10 | Policy |
| 550-11-20 | Procedural Requirements |
| 550-11-30 | Supplementary Guidance |
| 550-11-40 | Settlement of Employee Accounts Upon Separation |
| 550-11-50 | Delegation of Authority |

REFERENCES

5 USC 5550A (Compensatory time off for religious observances)
5 CFR 550 Subpart J (Adjustment of Work Schedules for Religious Observances)

## 550-11-00 PURPOSE AND COVERAGE

A. This Instruction provides policy and procedural guidance applicable to compensatory time off for religious observances. Under the referenced law and regulation, an employee, whose personal religious beliefs require the abstention from work during certain periods of time, may' elect to work overtime to make up for time"' lost meeting those requirements. Agencies shall afford requesting employees this opportunity unless the work schedule adjustment interferes with efficient mission accomplishment.

B. All Health and Human Services (HHS) civilian employees are covered, including wage and Senior Executive Service employees (62 Comp Gen 589). Commissioned Officers of the Public Health Service are not covered.

## 550-11-10 POLICY

A. It is HHS policy to make reasonable accommodations to grant employees religious compensatory time off, unless the adjustment of the work schedule interferes with the organization's ability to accomplish its mission in an efficient manner.

B. "Personal religious belief" shall be interpreted broadly. The religious belief does not have to be associated with, or the recognized requirement of, an established religion.

C. An employee may not be authorized to perform religious compensatory overtime work at an alternative work site unless otherwise approved to work at the alternative work site, e.g., under an approved flexi-place agreement.

D. Before an employee may be compensated for other overtime worked (either pay or compensatory time off), any outstanding balance owed for compensatory time off for religious observances must be worked off.

## 550-11-20 PROCEDURAL REQUIREMENTS

A. Requesting Compensatory Time Off

Employees must request approval to work religious compensatory time from their leave-approving official, in advance, in writing. The request must include all of the following:

1. The date(s) and number of hours requested. (Standard Form 71, Application for Leave, may be used for this purpose.)

2. A brief explanation of the religious belief that requires the employee to abstain from work at the time requested. (This can be indicated in Item 6, Remarks, on the SF-71, or as a written statement attached to the SF-71.)

B. Evaluating Employee Requests

1. Before granting an employee's request for religious compensatory time, the leave-approving official must ensure that the employee has provided the information required in A. above. If the employee failed to provide the required information, the leave-approving official shall inform the employee and return the request without action.

2. Approval or disapproval can be indicated on the SF-71, if used. If form SF-71 is not used, approved requests `must be" documented in some other form of writing. When the request is disapproved, it must be in writing to the employee and specify the reason for disapproval.

## 550-11-30 SUPPLEMENTARY GUIDANCE

A. The statute is not intended to give Federal employees additional holidays or annual leave. Rather it is intended to provide employees an added option for following their religious beliefs. Employees, however, may request other forms of leave for this purpose such as annual leave or leave without pay, credit hours (when applicable), or take compensatory time off for overtime work.

B. Earning and using religious compensatory time is merely a substitution of time and cannot result in an entitlement to premium pay.

C. An employee who has performed religious compensatory overtime work 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.

D. Some examples of situations when scheduling religious compensatory time would interfere with the efficient accomplishment of an organization's work:

o high priority work will not be performed timely

o it will cause unsafe working conditions for co-workers

o essential work cannot be performed by another employee during the absence

o the work cannot appropriately be performed during overtime periods

o it will result in more than a nominal increase in operating costs

o it will compromise the employment entitlements of other employees

## 550-11-40 SETTLEMENT OF EMPLOYEE ACCOUNTS UPON SEPARATION

A. If religious compensatory time has not been repaid by the date the employee is separated, the Department shall withhold an appropriate amount of basic pay from the employee's final settlement. However, if the employee has sufficient annual leave to his or her credit, he or she may choose to have the excess compensatory time off charged as annual leave instead.

B. When an employee separates from the Department with unused religious compensatory overtime work to his/her credit, the employee shall be paid for the unused compensatory time at the rate of basic pay at the time the work was performed.

## 550-11-50 DELEGATION OF AUTHORITY

The authority to grant or deny religious compensatory time is delegated to leave-approving officials through delegation channels. (See Exhibit A of HHS Instruction 630- 1.)